



WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda **AMENDED**
May 26, 2020 - 6:00 p.m.
Virtual Meeting

1. Call to Order
2. Roll Call
3. Declaration of Conflict of Interest
4. Announcements
5. Approval of the Agenda, including additions or deletions
6. Approval of Previous Meeting Minutes – April 28, 2020 Public Hearing (PID # 45059755, 411 King Street, Windsor, Land-Use By-law Amendments) and Council minutes
7. Unfinished Business/Postponed Motions - None
8. Public Hearings
 - (a) PID # 45059755, 411 King Street, Windsor – Land-Use By-law Amendments – Following Public Hearing; Second Reading - UPDATED
 - (b) PID # 45372224, 741 McKay Road, McKay Section – Amendment to Development Agreement
9. Mayor's Report
10. Committee of Council Recommendations
 - (a) Committee of the Whole Excerpts – May 12, 2020
 - i. Branding for the Region
 - ii. Asset Management Policy
 - iii. Financial Services Policies (Area Rate Policy, Expense Policy, and Hospitality Policy)
 - iv. Dangerous or Unsightly Premises Policy
 - v. Deed Transfer Tax By-law First Reading
 - vi. Highland Ave. & Churchill Street Rehabilitation Project Tender Award
 - vii. Sidewalk Café Fees Exemptions
11. Councillor Municipal Business Reports - None
12. Correspondence – None
13. New Business
 - (a) Hantsport Area Advisory Committee – Resident Member Appointment Recommendation Report
 - (b) 2020 Asphalt Paving Standing Offer - Recommendation Report
 - (c) FCM Municipal Asset Management Funding Program – Recommendation Report
14. In-Camera – None
15. Next Meeting Date / Adjournment



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
Regular Meeting of Council Agenda **AMENDED**
April 28, 2020, 6:00 p.m.
Virtual Meeting

1. Call to Order
2. Roll Call
3. Declaration of Conflict of Interest
4. Announcements
5. Approval of the Agenda, including additions or deletions
6. Approval of Previous Meeting Minutes – April 01, 2020 Special Council Meeting Minutes
7. Unfinished Business/Postponed Motions
 - (a) Public Participation Program and Public Hearing Requirements (due to COVID-19)
8. Public Hearings
 - (a) PID # 45059755, 411 King Street, Windsor – Land-Use By-law Amendments
9. Mayor's Report (**Report added**)
10. Committee of Council Recommendations
 - (a) Committee of the Whole Excerpts - April 14, 2020 and April 21, 2020
 - i. Resident-member Committee Appointments (Windsor Area Advisory Committee, French Mill Brook Watershed Advisory Committee, and Audit Committee)
 - ii. Financial Services Policies (Acceptance of Donations Policy, Investment Policy, and Tax Collection Policy)
 - iii. RBC Funding Resolution re. Operating Line of Credit
 - iv. Water and Sewer Rates Three Mile Plains
 - v. Internet Access Business Plan
 - vi. Sports Complex Funding
 - vii. Naming of Regional Municipality
 - (b) Planning Advisory Committee Excerpts – February 20, 2020
 - i. 741 McKay Road First Reading and Reports

11. Councillor Municipal Business Reports
12. Reconsiderations or Rescissions of Resolutions of Which Notice has Been Given on a Previous Day
13. Correspondence
 - (a) Avon Community Farmers' Market – Thank you letter
14. In-Camera
15. Next Meeting Date / Adjournment



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

Regular Council Minutes
April 28, 2020 6:00 pm
Virtual Meeting – via Zoom

1. Call to Order

Mayor Zebian called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting.

2. Call of Roll

Council Present:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, District 5 (6:04 pm)

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
Richard Murphy, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer
Todd Richard, Dir. Public Works
Kathy Kehoe, Dir. Community Development
Shelleena Thornton, Administrative Supervisor
Sara Poirier, Planner

Carlee Rochon, Dir. Financial Services
Rhonda Brown, Municipal Clerk
Madelyn LeMay, Dir. Planning & Development
Diana Gibson, Manager, Accounting and Financial Reporting

Members of the public watched the meeting using Facebook Live.

3. Declarations of Conflict of Interest

Councillor Murley declare a conflict of interest for agenda item 10(a)(iii).

4. Announcements

Councillors will be using coloured cards to indicate voting and speaking requests. An update on the COVID-19 situation was provided. Residents were encouraged to continue with the current health measures and go to www.novascotia.ca for financial help if needed.

Councillor Francis joined the meeting at 6:04 pm.

5. Approval of Agenda, including additions or deletions

MOVED by Councillors Murley and Sherman that the agenda be approved as circulated.

Motion Carried.

6. Approval of Previous Meeting Minutes – April 01, 2020 Special Council Meeting Minutes

MOVED by Councillors Ivey and M. McLean to approve the April 01, 2020 Special Council Meeting Minutes.

Motion Carried.

7. Unfinished Business/Postponed Motions

a. Public Participation Program and Public Hearing Requirements (due to COVID-19)

Director LeMay reviewed the report clarifying Public Participation Program Policy would be a permanent policy and the Enhanced Notification Practices would be temporary. The Public Participation Program needs to be completed before a document goes to First Reading of a document. The motion for the Public Participation Policy was revised since the original report to allow for the repeal of the old Public Participation Program Policies.

MOVED by Councillors Ivey and Murley that Council approve the Public Participation Program attached as Attachment C to the report entitled Public Participation Program and Public Hearing Requirements due to COVID-19 dated April 1, 2020, with Section 6.1 of the Public Participation Program being replaced with: "6.1 The Public Participation Program Policy, COPL-001.00, dated October 10, 2017 of the former Municipality of the District of West Hants and the Public Participation Program Policy 2019 dated March 26, 2019 of the former Town of Windsor is hereby repealed."

Motion Carried.

MOVED by Councillor Ivey and Deputy Mayor Morton that Council approve the Enhanced Notification Practices for Planning Matters attached as Attachment A to the report entitled Public Participation Program and Public Hearing Requirements Due to COVID-19 dated April 28, 2020 and that these notification practices be effective only until such time as Council may lawfully hold an in-person public hearing.

Motion Carried.

8. Public Hearing

a. PID #45059755, 411 King Street, Windsor – Land-Use By-law Amendments

MOVED by Councillors Murley and Francis to go into Public Hearing.

Motion Carried.

The meeting moved into Public Hearing at 6:12 pm. Further information on the Public Hearing is available in the 2020-04-28 Public Hearing Minutes - PID#45059755, 411 King, Windsor – Land-Use By-law Amendments.

Mayor Zebian declared the Public Hearing adjourned until May 26, 2020 at 6:00 pm.

Meeting reconvened at 6:25 pm.

9. Mayor's Report

Mayor Zebian read his report.

MOVED by Councillors Murley and Francis to receive the report and place on file.

Motion Carried.

10. Committees of Council Recommendations

a. Committee of the Whole Excerpts – April 14, 2020 and April 21, 2020

i. Resident-member Committee Appointments (Windsor Area Advisory Committee, French Mill Brook Watershed Advisory Committee and Audit Committee)

MOVED by Councillors Murphy and Francis that Council approves the following resident members be appointed to the Windsor Area Advisory Committee (WAAC) for the term April 01, 2020 to October 31, 2022: Melissa Richard and Debbie Cleveland-Foster.

Motion Carried.

MOVED by Councillors Murley and Francis that Council approves the following landowner representative be appointed to the French Mill Brook Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: Jamie Whidden.

Motion Carried.

MOVED by Councillors Murley and Francis that Council approves the following resident members be appointed to the Audit Committee for a two-year term April 01, 2020 – October 31, 2022: Glenn Robinson and Jane Davis.

Motion Carried.

ii. Financial Services Policies (Acceptance of Donations Policy, Investment Policy, and Tax Collection Policy)

MOVED by Deputy Mayor Morton and Councillor Francis that Council approves the Acceptance of Donations Policy RCOFN-007.00 for the Region of Windsor

and West Hants Municipality.

Motion Carried.

MOVED by Deputy Mayor Morton and Councillor Francis that Council approves the Investment Policy RCOFN-005.00 for the Region of Windsor and West Hants Municipality.

Motion Carried.

MOVED by Deputy Mayor Morton and Councillor Francis that Council approves the Tax Collection Policy RCOFN-004.00 for the Region of Windsor and West Hants Municipality.

Motion Carried.

Councillor Murley left the meeting due to conflict of interest.

iii. RBC Funding Resolution re Operating Line of Credit

MOVED by Councillors Ivey and M. McLean that Council approves the Borrowing Resolution to enter into an agreement with Royal Bank Canada (RBC) to allow for an ongoing operating line of credit in the amount of \$500,000.

Motion Carried.

Councillor Murley re-joined the meeting.

iv. Water and Sewer Rates Three Mile Plains

MOVED by Councillors Francis and Deputy Mayor Morton that Council direct staff for a report to look for options for the sewer rates to be put on the tax bill.

Motion Carried.

v. Internet Access Business Plan

MOVED by Councillors Ivey and Murley that Council provide direction to our CAO to initiate the process for the development of a business plan to be presented back to Council, which may require consultation with market / industry experts for the delivery of high-speed internet access for the benefit of the residents of Windsor West Hants.

Motion Carried.

vi. Sports Complex Funding

MOVED by Councillors Francis and Deputy Mayor Morton that Council pre-approve the addition of \$1,280,642.00 for the Municipal Sports Complex in the 2020/21 Municipal Capital Budget, amending the total project cost to \$17,523,384.

Further, that the required funding for the municipal contribution for the project be from a combination of withdraws from existing Windsor and West Hants reserves and municipal debentures, recognizing it is the priority to withdraw from reserves, pending budget deliberations.

Motion Carried.

Councillors Hartt, M. McLean, S. McLean and Jannasch voted nay.

vii. Naming of Regional Municipality

MOVED by Councillors Francis and Deputy Mayor Morton that Council approves the Region of Windsor and West Hants Municipality change its name to West Hants Regional Municipality.

Motion Carried.

b. Planning Advisory Committee Excerpts - February 20, 2020

i. 741 McKay Road First Read and Reports

Planner Sara Poirier reviewed the development agreement application. After the Public Information Session two positive comments were received.

MOVED by Councillors Francis and M. McLean that Regional Council give First Reading and hold a Public Hearing to consider entering into an amending development agreement which will permit an automobile sales establishment in addition to the permitted automobile repair shop and is substantively the same as the draft amending development agreement attached as Appendix D of the report to the West Hants Planning Advisory Committee dated February 20, 2020, taking note that this development agreement will discharge and replace the development agreement registered at the Land Registry Office on June 8, 2016 as document 109062613, which permits an automobile repair shop at 741 McKay Road, McKay Section, PID 45372224.

Motion Carried.

(Vote was held after discussion)

Discussion Points

- Display of more than three vehicles on the property would require the Development Agreement to be amended again.

11. Councillor Municipal Business Reports – There were none.

12. Reconsideration or Rescissions of Resolutions of Which Notice has Been Given on a Previous Day – There were none.

13. Correspondence

a. Avon Community Farmers' Market – Thank you letter.

14. In-Camera - There was no in-camera.

15. Next Meeting Date / Adjournment – May 26, 2020 at 6:00 pm.

**MOVED by Councillors Ivey and Murley that the meeting adjourn.
Motion Carried.**

The meeting ended at 6:48 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

Public Hearing Minutes – PID #45059755, 411 King Street, Windsor – Land-Use By-law
Amendments

April 28, 2020 6:00 pm

Virtual Meeting – via Zoom

1. Call to Order

The Public Hearing was called to order at 6:12 pm.

Council Present:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, District 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
Richard Murphy, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer
Todd Richard, Dir. Public Works
Kathy Kehoe, Dir. Community
Development
Shelleena Thornton, Administrative
Supervisor
Sara Poirier, Planner

Carlee Rochon, Dir. Financial Services
Rhonda Brown, Municipal Clerk
Madelyn LeMay, Dir. Planning &
Development
Diana Gibson, Manager, Accounting and
Financial Reporting

Members of the public watched the meeting using Facebook Live.

2. Introduction

Mayor Zebian advised that the Public Hearing for Planning documents is required under Part 8 of the Municipal Government Act. The virtual public hearing is hosted by Council and following the presentation, will be adjourned until 6:00 pm on May 26, 2020. During the adjournment members of the public may submit comments or questions to Planner Poirier and the information would be presented at the next part of the Public Hearing.

Mayor Zebian stated that Councillors would need to be present at both sessions of the Public Hearing to consider the application at Council on May 26th when they would have opportunity for questions and comments.

3. Overview of Land-Use By-law Amendment

Planner Sara Poirier reviewed the presentation (attached) highlighting the current and proposed use of the property.

Ms. Poirier stated all comments received by mail, email or phone would be brought back on May 26, 2020 prior to Second Reading. The following inquiries have already been received:

- Email from the media looking for more information about the site.
- Call from Mr. Taylor requesting information about the environmental concerns previously raised.

Additional information was received from Mr. Orman regarding the previous environmental concerns.

Ms. Poirier stated the environmental concerns of Mr. Taylor and Mr. Orman date back to 2011-2013. Ms. Poirier is going to review the documents received with the Director of Public Works regarding the concerns.

Ms. Poirier provided her contact information so the public could provide comments to her by 6:00 pm on May 26, 2020.

Mayor Zebian declared the Public Hearing adjourned until May 26, 2020 at 6:00 pm.

The meeting ended at 6:25 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk





Map Amendment:
411 King Street, Windsor PID 45059755
Public Hearing
April 28, 2020

Background

- ▶ Received an application from Michael Jamieson
- ▶ Requested a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses, and residential uses
- ▶ The building was constructed in 1898 and was used as Windsor United Baptist Church until November 2019

411 King Street

Orthophoto



411 King Street

Exterior



411 King Street

Exterior (cont.)



411 King Street

Exterior (cont.)



411 King Street

Interior



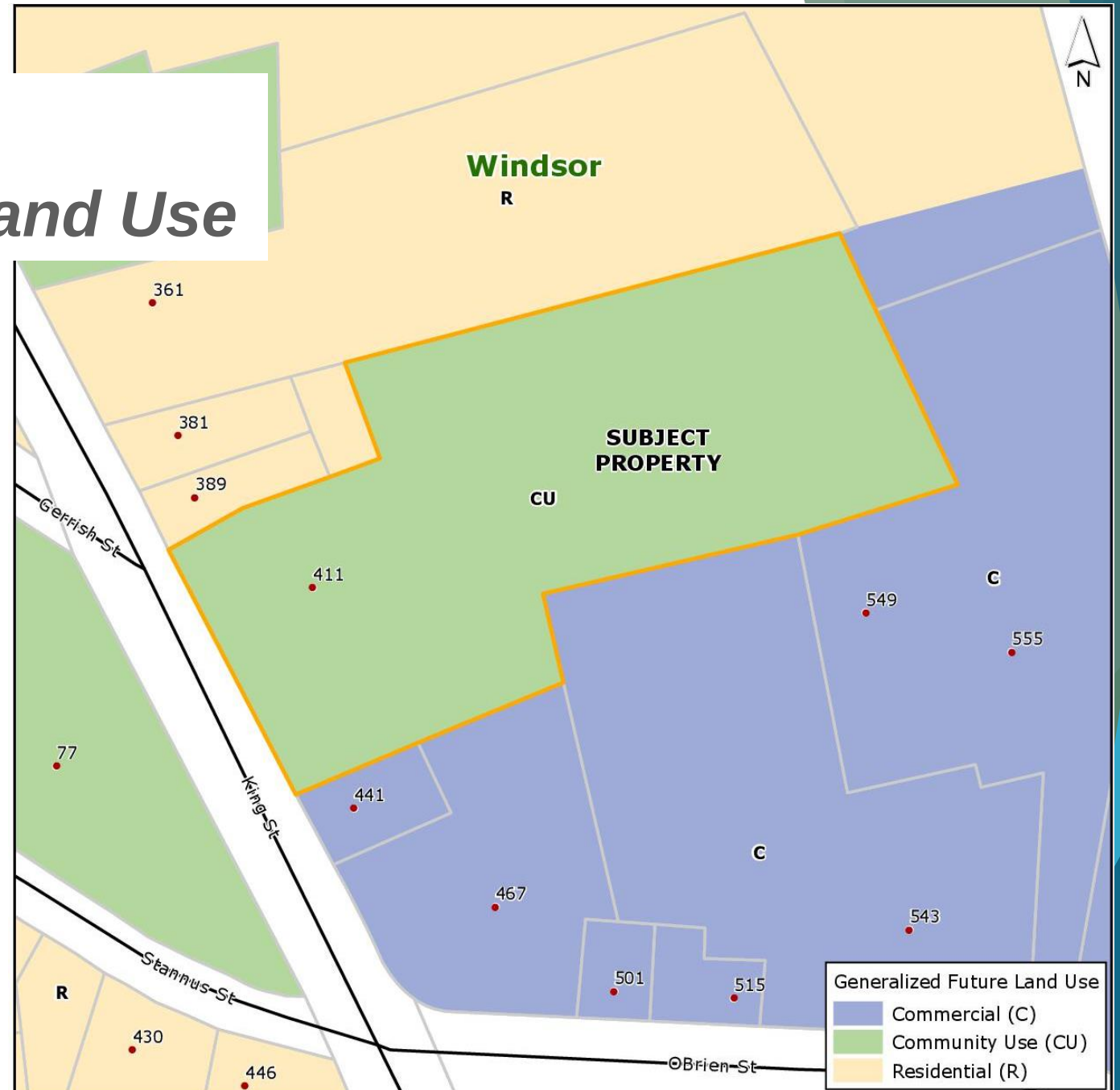
411 King Street

Interior (cont.)



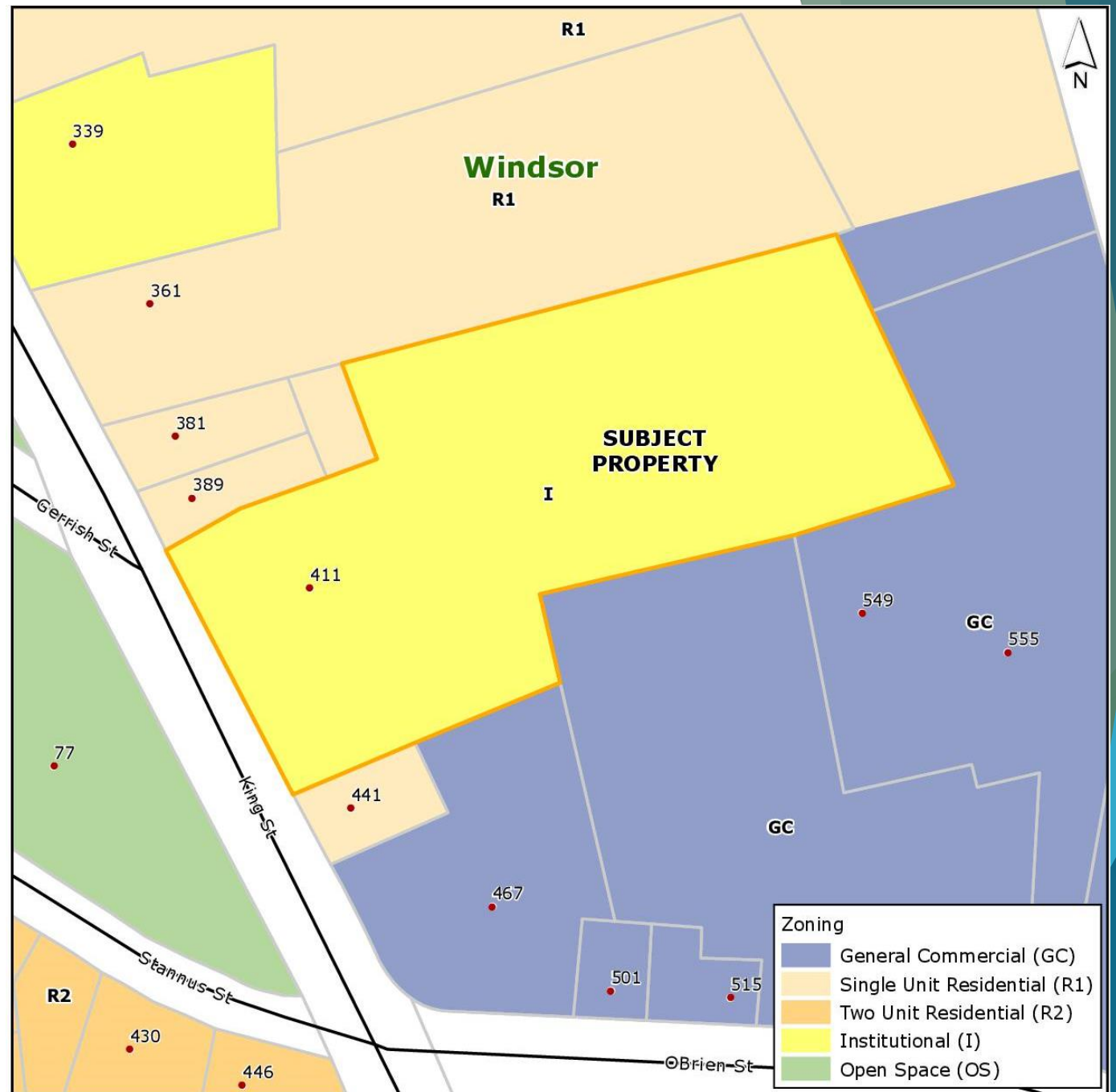
411 King Street

Generalized Future Land Use



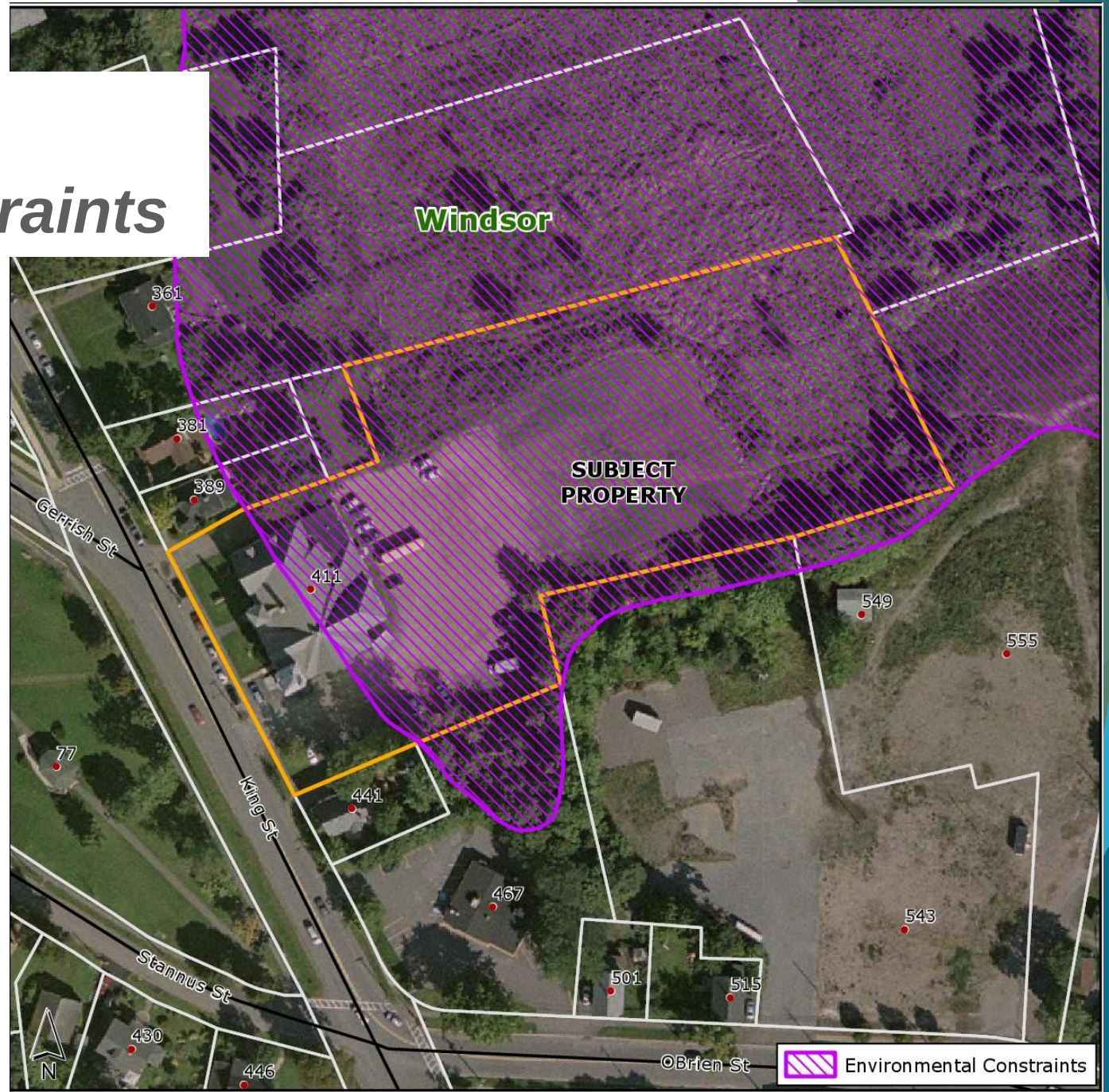
411 King Street

Current Zoning



411 King Street

Environmental Constraints



Environmental Constraints

- ▶ The existing building may be enlarged, reconstructed, repaired or renovated provided all other requirements of the WLUB are met
- ▶ Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality

Document Review

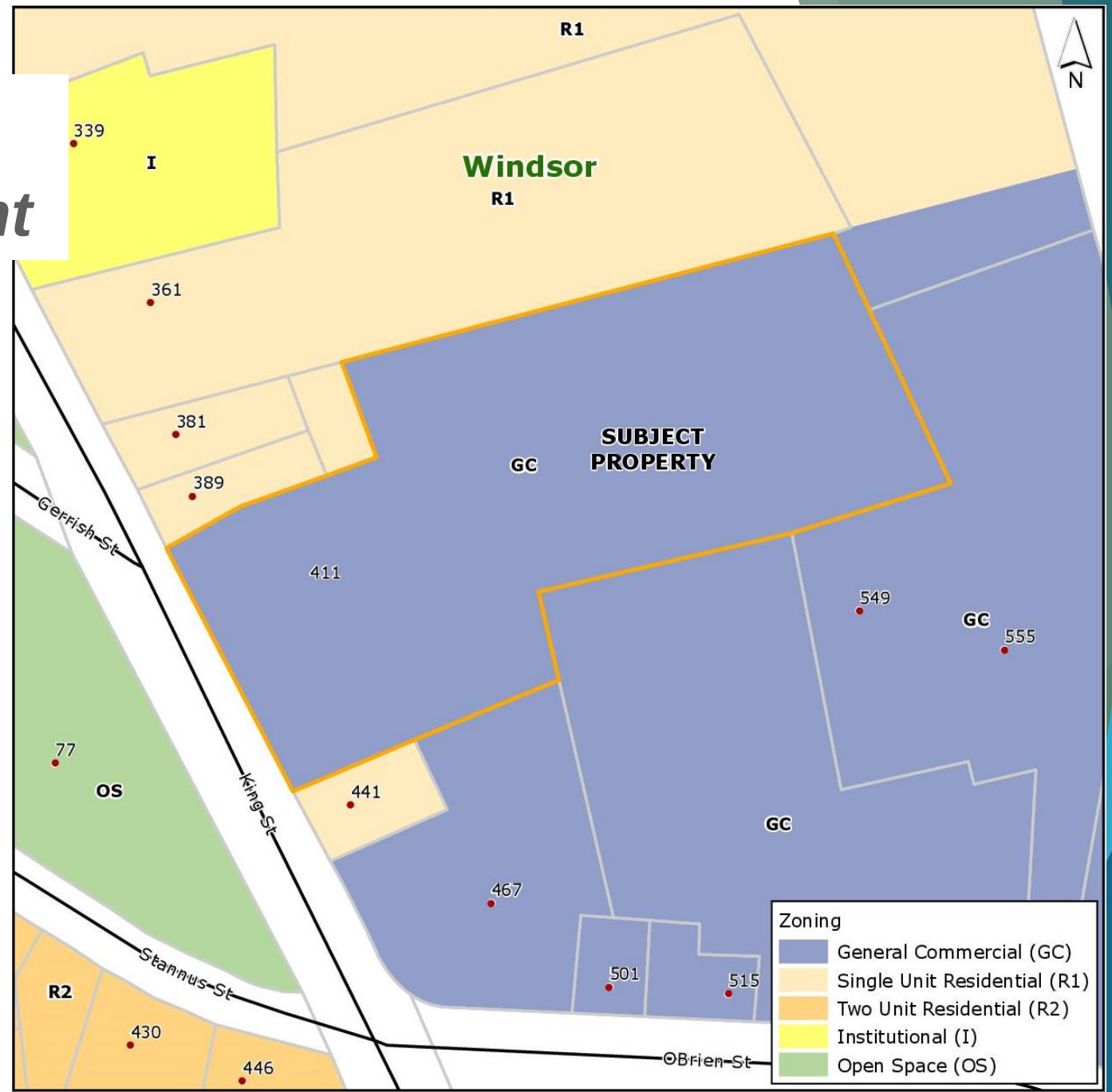
- ▶ Section 8.0 of the WMPS contains the commercial policies for Windsor
- ▶ **Policy 8.3.2** establishes Council's intent to *“consider the creation of new General Commercial (GC) Zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law”*

Map Amendment

- ▶ For the requested uses to be developed on the lot, an amendment to the Zoning Map is required

411 King Street

Proposed Amendment



Text Amendment

- ▶ Text amendment is not required as commercial schools, offices, repair and rental establishments, retail stores, service shops, entertainment uses, and residential uses are permitted as-of-right in the General Commercial (GC) Zone

Specific Criteria for Amendment

- ▶ **Policy 8.3.2** establishes criteria to be considered by Council
- ▶ In summary, the criteria are met since:
 - ✓ the lot is serviced by both municipal water and sewer;
 - ✓ the proposed use will not conflict with adjacent existing uses;
 - ✓ the proposal meets the WMPS general criteria.

General Criteria for Amendment

- ▶ **Policy 16.3.1** states general criteria for any amendments considered in Windsor
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated;
 - ✓ the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

Public Concerns from PIM

- ▶ 1. Environmental – it was determined that these concerns would be considered a civil issue and any corrective action (if required) would be between the property owners
- ▶ 2. Future uses: Suggestion to add the requested uses to the Institutional zone instead of rezoning – Amending the definition of Institutional uses would change the intent of the Institutional (I) Zone and adding all the requested uses to the list of permitted uses for the Institutional (I) Zone would permit any property zoned Institutional (I) in Windsor to do these as-of-right

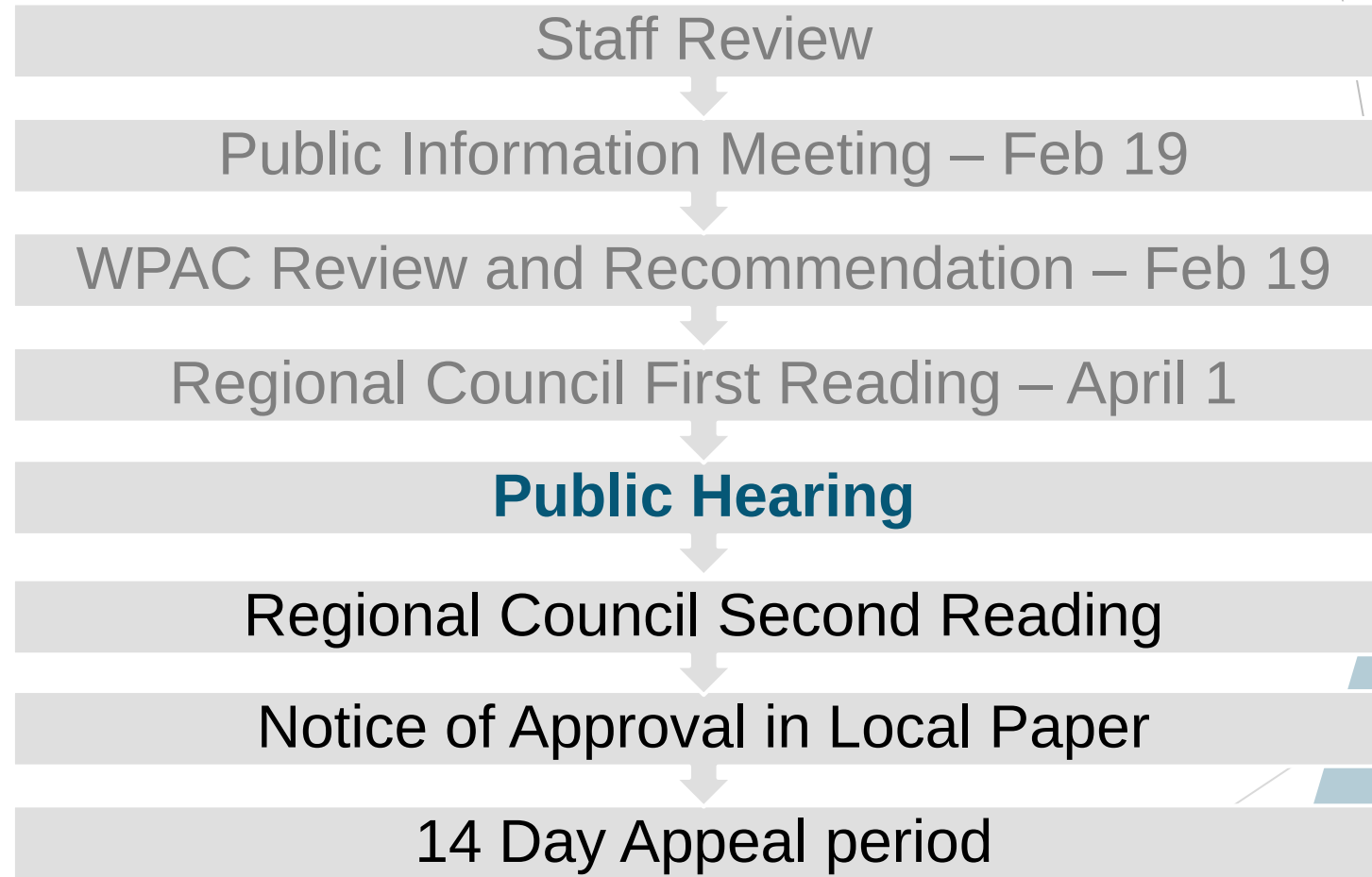
Conclusion

- ▶ Proposed map amendment is considered within the context of both specific and general WMPS policies
- ▶ Consistent with the intent, objectives and policies of the WMPS
- ▶ The proposed uses are permitted within the General Commercial (GC) Zone
- ▶ Reasonable to amend the zoning of the subject lot from Institutional (I) to General Commercial (GC)

Process

Notices were placed in the newspaper & properties within 500' were notified of the Public Hearing

All statutory requirements have been met







Map Amendment:
411 King Street, Windsor PID 45059755
Public Hearing Continuation
May 26, 2020

Questions & Comments

1. Environmental Concerns
2. What does changing to General Commercial mean?
3. Staff Reports on website
4. GFLUM – Community Use Designation

Questions & Comments

1. Environmental Concerns
2. What does changing to General Commercial mean?
3. Staff Reports on website
4. GFLUM – Community Use Designation

1. Environmental Concerns

Response from Manager of Operations

- A resident complained to the Director Public Works their property that is within the Tregothic Marsh was not draining like it use to.
- Staff went to 411 King St to look. We followed the route the water would normally take.
- What we discovered was that the ditch behind Sobeys where the culvert and catch basin empty was severely grown over. This ditch empties into Tregothic Creek and goes out to the St Croix River through the aboiteau when the tide is low. At that time the property was owned by the Empire Group.
- Although the Director Public Works felt this was not a matter for the Town but instead a civil issue he did make a call to a person at Empire whom he knew.
- With in a few days Empire Group had a contractor in to clean the ditch with an excavator.

1. Environmental Concerns

Conclusions

- ▶ from recollection, we can confirm that the Town did look into the issue of water drainage in this area and specifically on the property at 411 King Street within the time period specified in the Department of Environment letters;
- ▶ we do not have any documentation of the Town permitting the property owners at 411 King Street to excavate a pond;
- ▶ the reference to the culvert and catch basins in the Dept of Environment letters (2011 and 2013) are private infrastructure and not owned or maintained by the Municipality;
- ▶ the Municipality would deem these concerns as a civil issue as the infrastructure and concerns raised involve private land and privately owned infrastructure and it is between the property owners to resolve.

Questions & Comments

1. Environmental Concerns
2. What does changing to General Commercial mean?
3. Staff Reports on website
4. GFLUM – Community Use Designation

2. Rezoning to General Commercial

- ▶ *“If you are inviting comments on the amendment, it would be helpful to explain to residents the implications of a change from institutional to general commercial. What does this mean? Then residents might be better informed about whether they would like to share comments.”*

General Commercial Zone

List of Permitted Uses

- ▶ Arts and crafts studios including photography
- ▶ Banks and financial institutions
- ▶ Clubs and community organizations
- ▶ Commercial schools
- ▶ Country inns
- ▶ Day care centres, licensed and non-licensed
- ▶ Entertainment, recreation and assembly uses within a wholly enclosed building
- ▶ Garden and nursery sales and supplies
- ▶ Licensed liquor establishments
- ▶ Local shopping centres containing uses permitted in the GC zone
- ▶ Microbrewery, Microdistillery, Winery (Amended WLUB 18-01 Effective January 29, 2019)

General Commercial Zone

List of Permitted Uses Cont.

- ▶ Offices
- ▶ Parking structures
- ▶ Repair and rental establishments
- ▶ Residential uses (not on the ground floor)
- ▶ Restaurants, excluding drive-through restaurants
- ▶ Retail stores
- ▶ Service and personal service shops
- ▶ Taxi, train and bus stations
- ▶ Veterinary clinics and animal hospitals
- ▶ Existing residential uses

3. Staff Reports

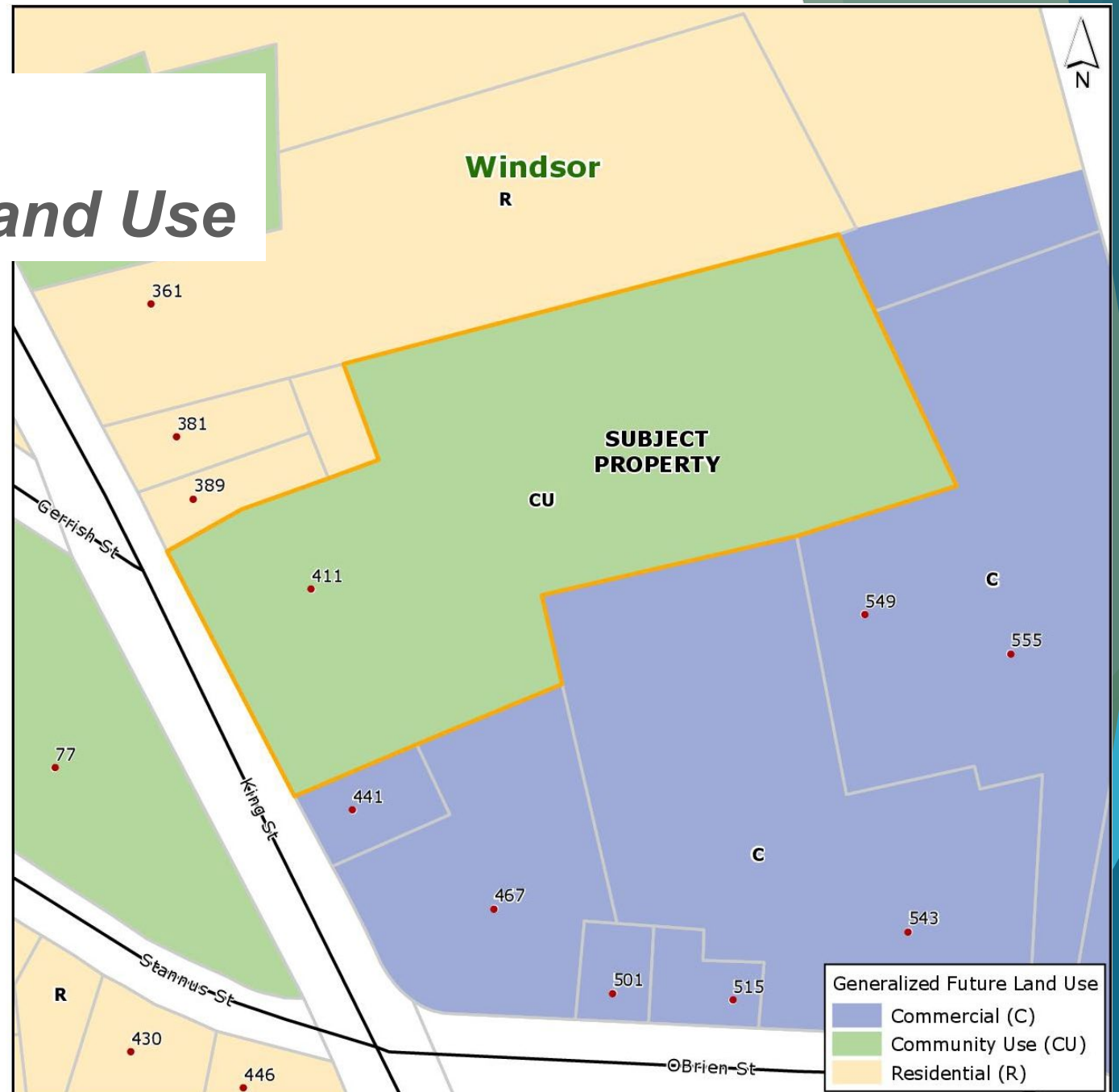
- ▶ *“You direct people to the staff reports for more information (where I was hoping to answer my question above), but it is not clear to me which staff report to read. None from 2020 were “clickable”. None were called 411 King St. How do residents know where to get more information through a staff report?”*

4. GFLUM – Community Use Designation

- ▶ *“On page 10 of your presentation of April 28th, you show the property in green, as a future community use designation. What does this mean? What was the intent of future community use? Is the amendment proposal affecting this?”*

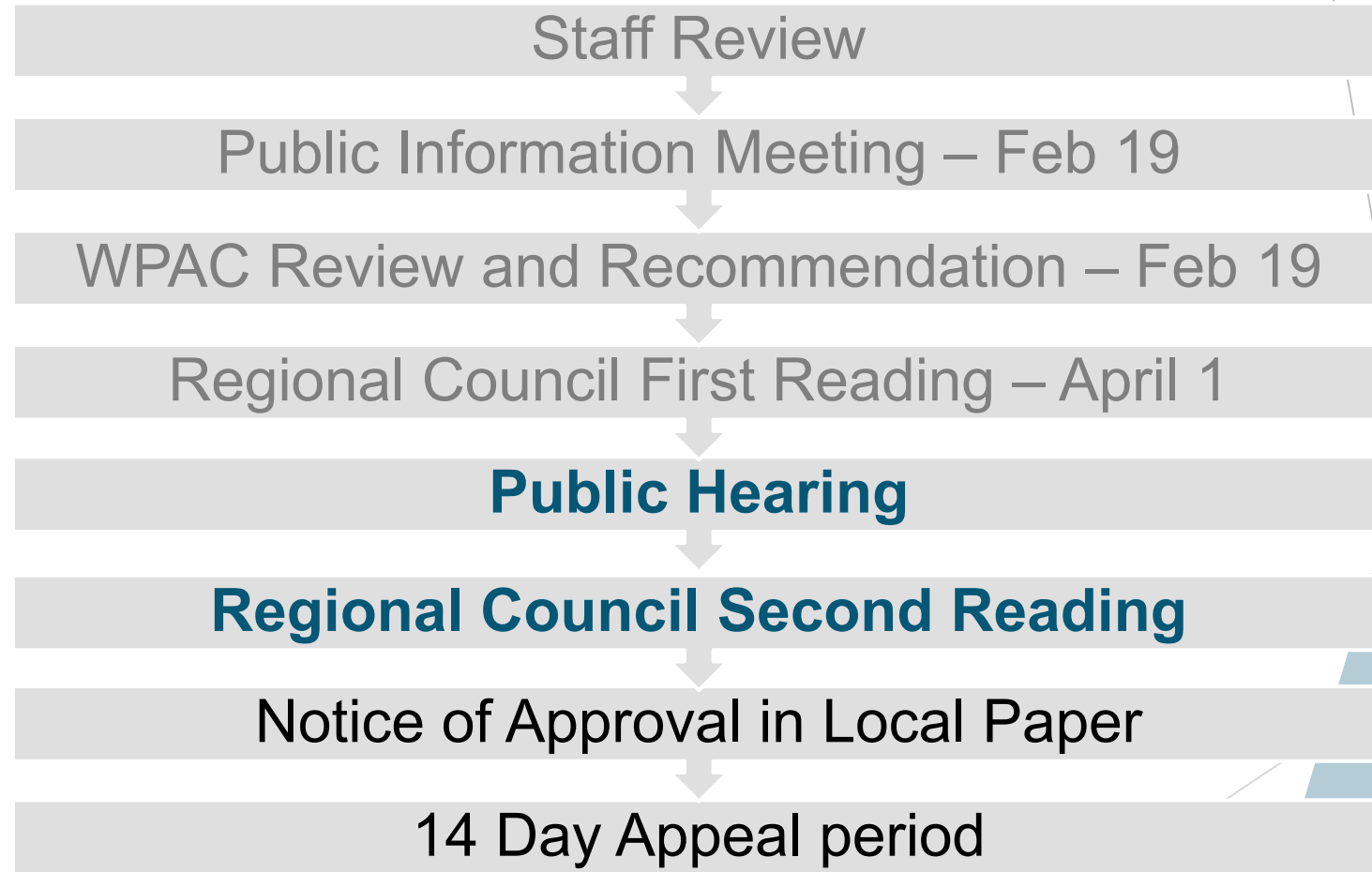
411 King Street

Generalized Future Land Use



Process

All statutory
requirements have
been met





Recommendation

- ▶ **that Regional Council give Second Reading to and approves the proposed amendment to the Zoning Map of the Windsor Land Use By-law by re-zoning the lot located at 411 King Street, Windsor, PID 45059755 from the Institutional (I) Zone to the General Commercial (GC) Zone, as shown on the map attached as Figure 3 to the Windsor Planning Advisory Committee report #19-13 dated February 13, 2020.**





Map Amendment:
411 King Street, Windsor PID 45059755
Public Hearing
April 28, 2020

Background

- ▶ Received an application from Michael Jamieson
- ▶ Requested a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses, and residential uses
- ▶ The building was constructed in 1898 and was used as Windsor United Baptist Church until November 2019

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Exterior



411 King Street

Exterior (cont.)



411 King Street

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411 King Street

Interior



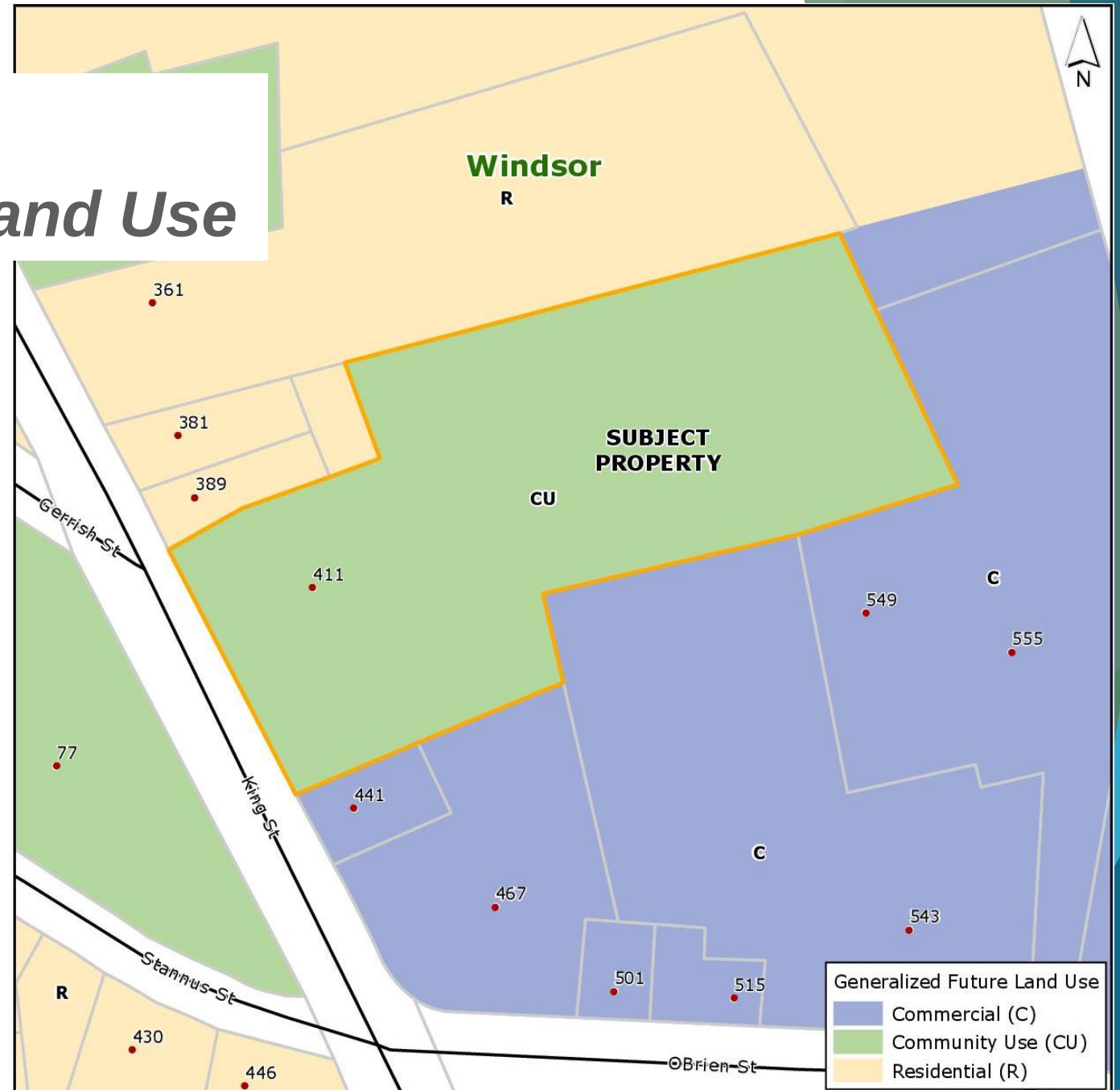
411 King Street

Interior (cont.)



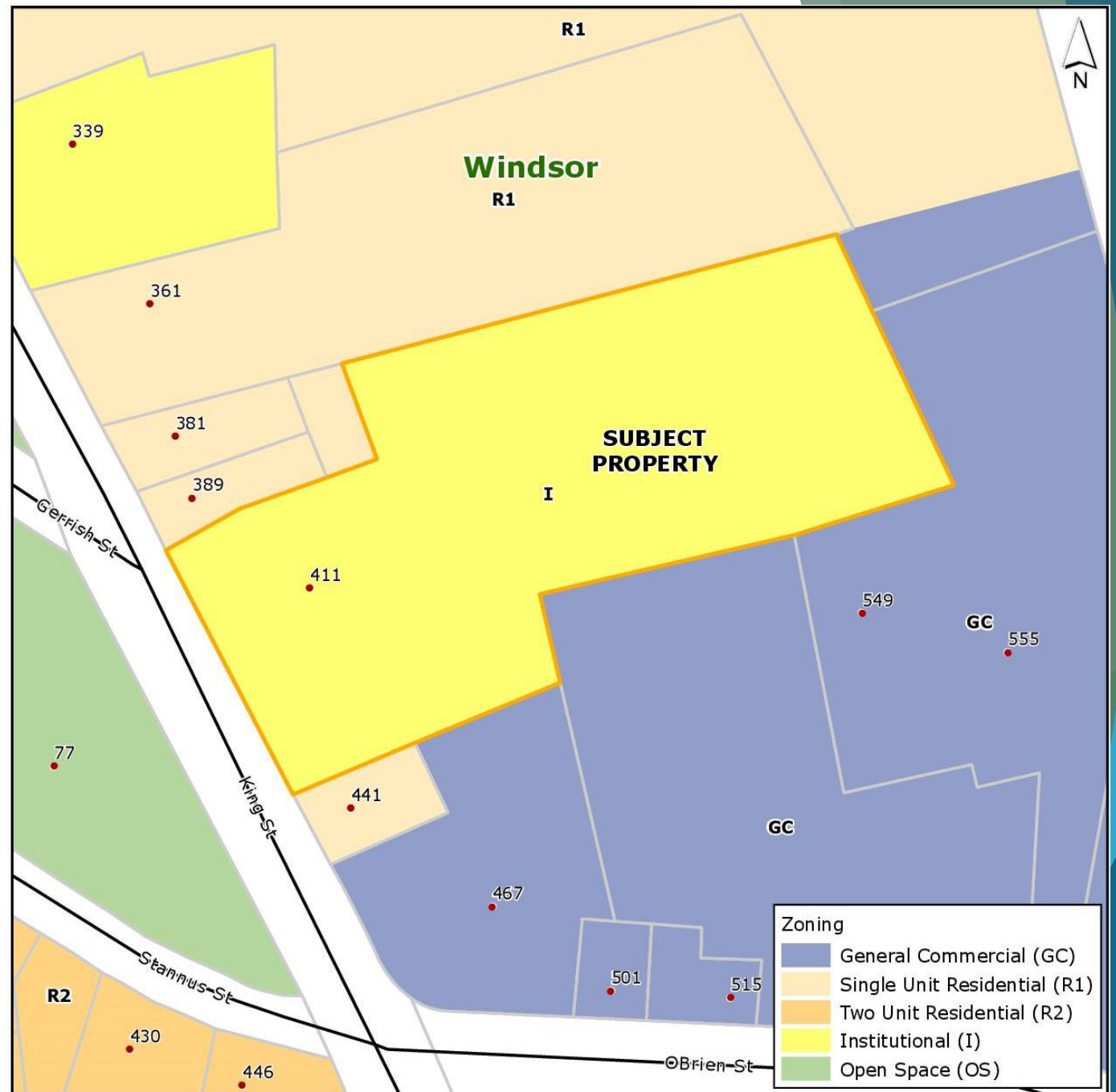
411 King Street

Generalized Future Land Use



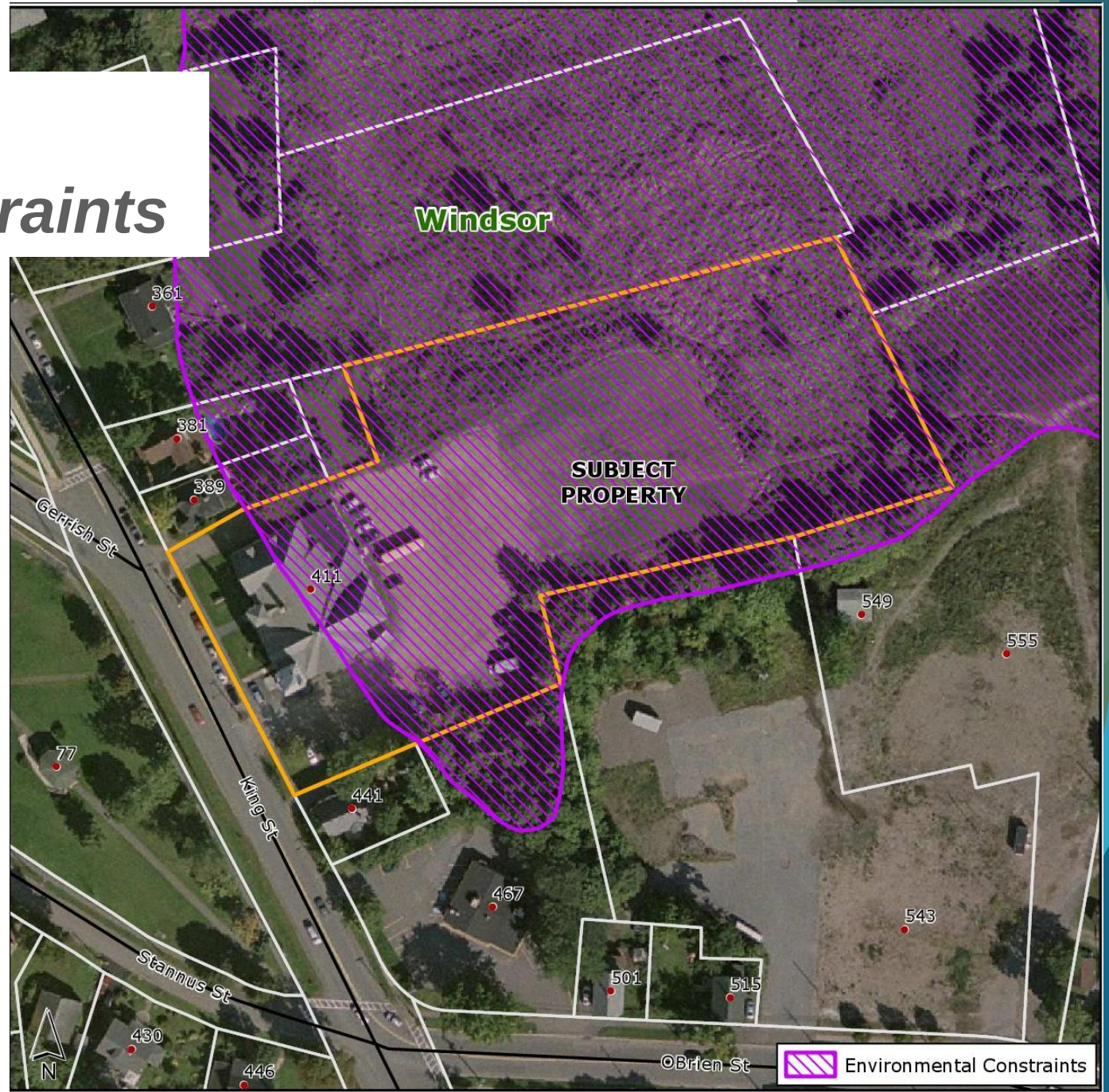
411 King Street

Current Zoning



411 King Street

Environmental Constraints



Environmental Constraints

- ▶ The existing building may be enlarged, reconstructed, repaired or renovated provided all other requirements of the WLUB are met
- ▶ Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality

Document Review

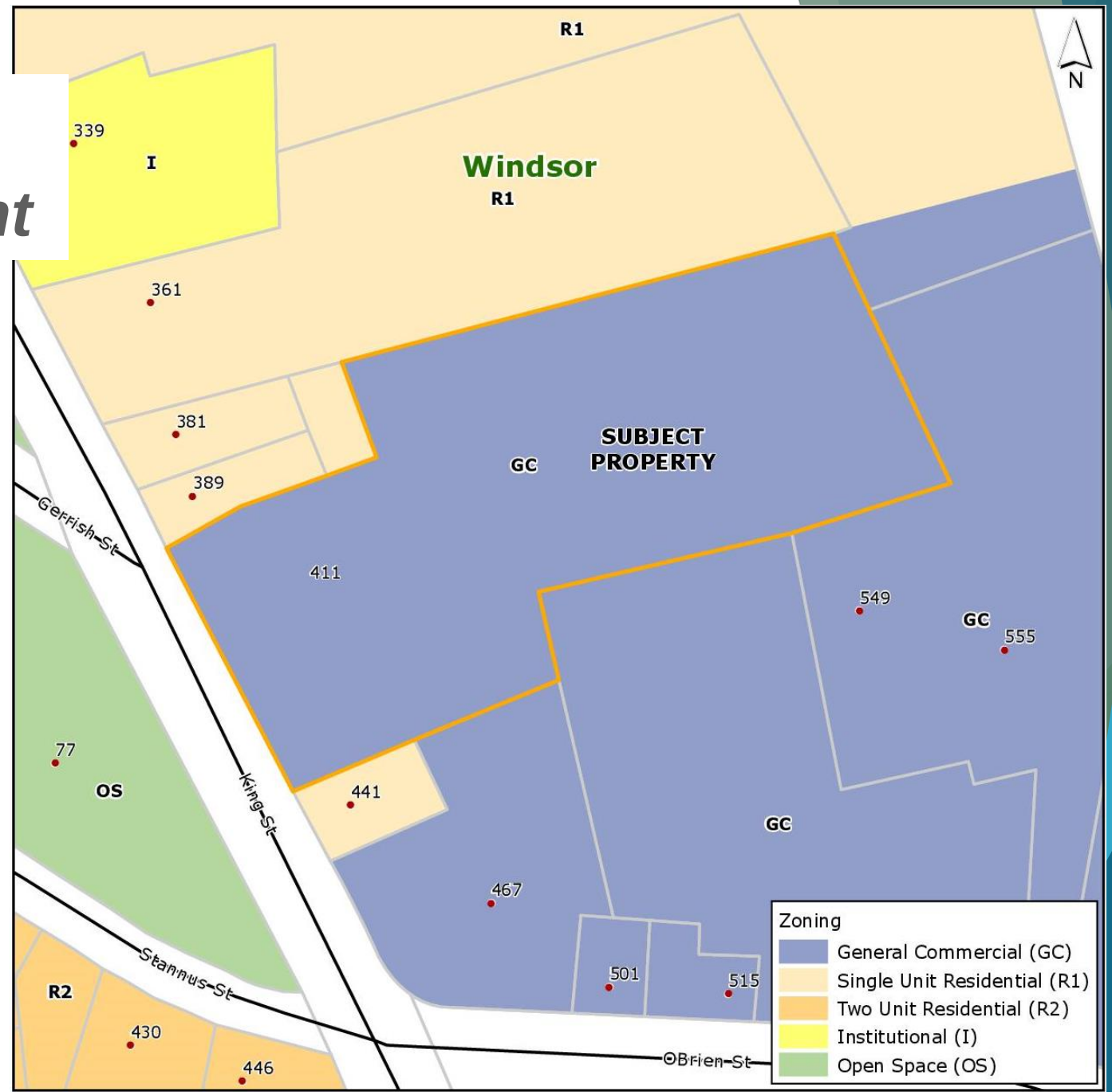
- ▶ Section 8.0 of the WMPS contains the commercial policies for Windsor
- ▶ **Policy 8.3.2** establishes Council's intent to *“consider the creation of new General Commercial (GC) Zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law”*

Map Amendment

- ▶ For the requested uses to be developed on the lot, an amendment to the Zoning Map is required

411 King Street

Proposed Amendment



Text Amendment

- ▶ Text amendment is not required as commercial schools, offices, repair and rental establishments, retail stores, service shops, entertainment uses, and residential uses are permitted as-of-right in the General Commercial (GC) Zone

Specific Criteria for Amendment

- ▶ **Policy 8.3.2** establishes criteria to be considered by Council
- ▶ In summary, the criteria are met since:
 - ✓ the lot is serviced by both municipal water and sewer;
 - ✓ the proposed use will not conflict with adjacent existing uses;
 - ✓ the proposal meets the WMPS general criteria.

General Criteria for Amendment

- ▶ **Policy 16.3.1** states general criteria for any amendments considered in Windsor
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated;
 - ✓ the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

Public Concerns from PIM

- ▶ 1. Environmental – it was determined that these concerns would be considered a civil issue and any corrective action (if required) would be between the property owners
- ▶ 2. Future uses: Suggestion to add the requested uses to the Institutional zone instead of rezoning – Amending the definition of Institutional uses would change the intent of the Institutional (I) Zone and adding all the requested uses to the list of permitted uses for the Institutional (I) Zone would permit any property zoned Institutional (I) in Windsor to do these as-of-right

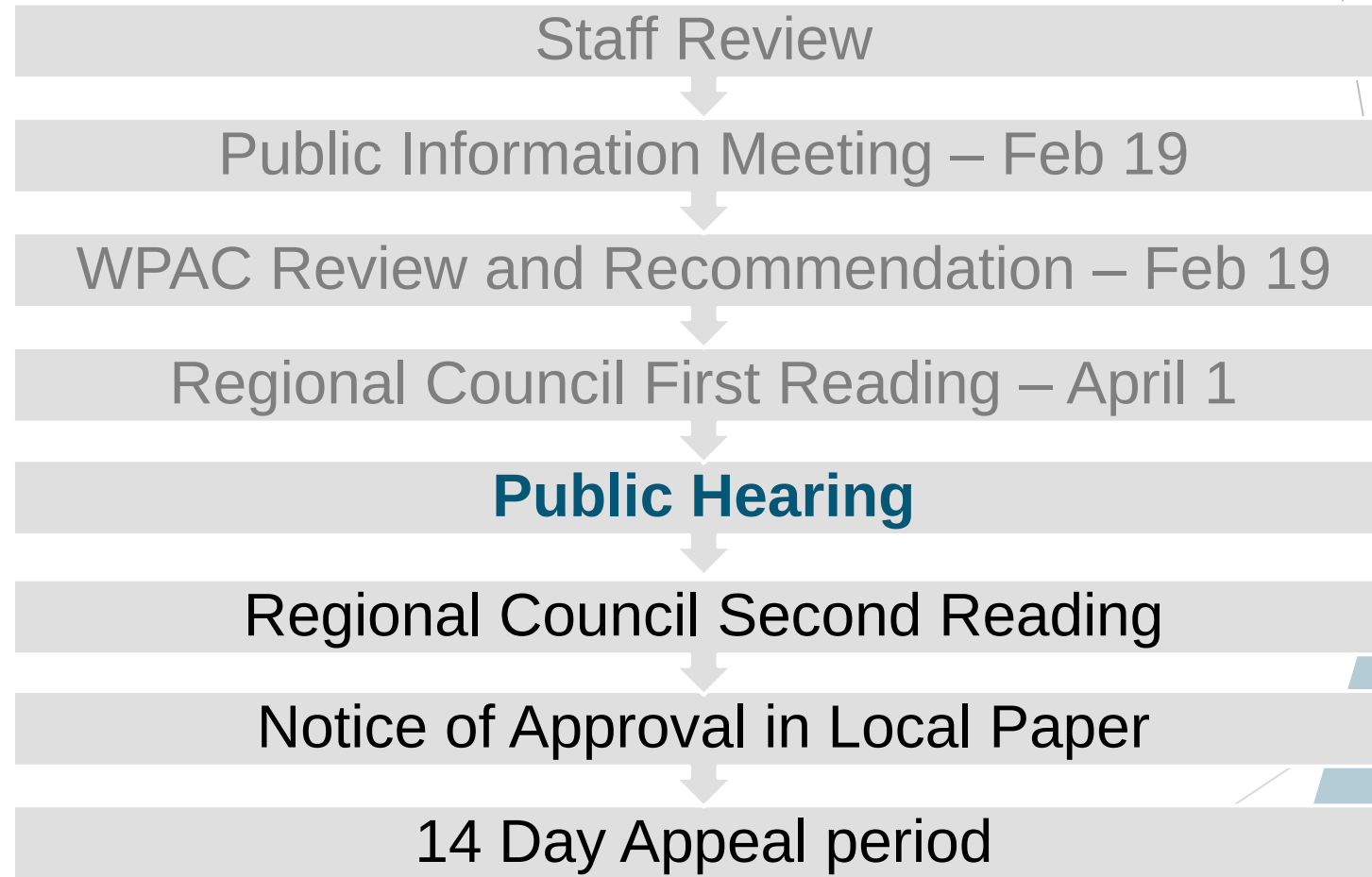
Conclusion

- ▶ Proposed map amendment is considered within the context of both specific and general WMPS policies
- ▶ Consistent with the intent, objectives and policies of the WMPS
- ▶ The proposed uses are permitted within the General Commercial (GC) Zone
- ▶ Reasonable to amend the zoning of the subject lot from Institutional (I) to General Commercial (GC)

Process

Notices were placed in the newspaper & properties within 500' were notified of the Public Hearing

All statutory requirements have been met







REGION OF WINDSOR AND WEST HANTS MUNICIPALITY SUPPLEMENTARY REPORT

To: Mayor Zebian and Members of the Regional Council of Windsor and West Hants Municipality

Submitted by: _____
Sara Poirier, Planner

Date: April 1, 2020

Subject: Windsor Land Use By-Law Map Amendment: 411 King Street, Windsor; PID 45059755

File # **19-13**

1.0 BACKGROUND

On February 19, 2020, the Windsor Planning Advisory Committee (WPAC) hosted a Public Information Meeting (PIM) regarding the requested Land Use By-law Amendment at 411 King Street, Windsor. Background information can be found in the February 13, 2020 WPAC staff report (Appendix B) and the minutes of the February 19, 2020 meeting.

At the PIM there were four (4) residents in attendance who raised two main concerns. These were:

1. Environmental – Residents mentioned that they had previous issues with water drainage and flooding from 411 King Street to neighbouring properties.
2. Future Uses – Residents were concerned with the future impact the rezoning to General Commercial (GC) may have on the surrounding area. The residents were concerned that if the property is rezoned to General Commercial (GC) that 20 years from now there may be the opportunity for a larger, chain business that generates more traffic to move into that location (i.e. fast food businesses). The residents suggested considering

adding the uses that the current applicant has applied for to the Institutional (I) Zone, instead of rezoning the property to the General Commercial (GC) Zone.

At the PIM, staff noted they would review these two concerns and provide further information on these items to Council before the second reading.

2.0 PUBLIC CONCERNS and DISCUSSION

2.1 Environmental Concern

Residents mentioned that they had previous issues with water drainage and flooding from 411 King Street to neighbouring properties.

Following the PIM, staff contacted the Interim CAO and Acting Director of Public Works for the Town of Windsor to determine if there was any documentation or correspondence regarding these concerns. The Acting Director of Public Works responded that *“there was an issue a few years ago with the drainage in back of Sobeys, which backed up the water flow at the back of the King St properties. That issue was resolved.”* The Interim CAO added *“We would consider this a civil issue and not a municipal responsibility. Any corrective action (if required) would be between the property owners, as was the case below. Sobeys was contacted and carried out the required ditching on their terms and expense.”*

Staff attempted to contact the residents that raised these concerns after the PIM to gain further information from their perspective via phone (3 attempts) between February 20 - March 2 and via mailed letter on March 2, 2020. There was no response.

2.2 Future Uses

Staff review applications based on the proposed zone requested and the provisions of the current zone. For any rezoning or development agreement applications, recommendations are based on the ability of the application to meet the criteria of the policy that would permit Council to consider those alternative uses. Although specific uses have been requested by the applicant, all uses permitted in the zone are considered by staff for any application. The primary consideration is whether the requested amendment meets the criteria of the Municipal Planning Strategy (MPS).

The property is currently zoned Institutional (I). The property owner would like to convert one half of the building to residential uses and offices for the operation of their audio and lighting production business and preserve the other half of the building, where the church services have been held, to train staff members how to use audio equipment and lighting and for indoor entertainment uses such as musical performances and theatre shows.

The property owner has requested a variety of uses to be considered on the property including a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses and residential uses. Residential uses, accessory to a use permitted in the Institutional (I) Zone, would be the only use that the owner has requested that is permitted as-of-right in the Institutional (I) Zone.

When considering this application, staff reviewed the current zone and permitted uses, then reviewed the policies of Council which would allow consideration of alternative uses on this property. There is a policy (8.3.2) in the WMPS that would allow Council to consider rezoning the property to General Commercial (GC), subject to specific criteria. The General Commercial (GC) Zone would permit all of the requested uses.

To consider the suggestion from the public to include these uses in the Institutional (I) Zone, staff first reviewed the intent of the Institutional (I) Zone, the uses currently permitted in the Institutional (I) Zone and the definition of Institutional Use as described in the WMPS and Windsor Land Use By-law (WLUB) (Appendix A). In general, the WMPS describes institutional uses as schools, churches and museums which are intended for the use of the general community. The WLUB defines an institutional use as *“the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;”*. There are no commercial uses in the list of permitted uses for the Institutional (I) Zone and some of the proposed uses would not necessarily be open to the general community (i.e. audio and lighting production business, offices).

Staff also reviewed the definitions of the proposed uses requested (Table 1). The property owner would privately operate these uses.

Table 1: Definition of Requested Uses

Requested Use	Windsor Land Use By-law Definition	Zoning Dictionary (2016)
Commercial school	means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama, and arts and crafts schools, and business and trade schools	N/A
Office	<u>Office (Business)</u> means a building or part thereof in which one or more persons is employed in the	N/A

	management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office; <u>Office (Professional)</u> means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, an architect, surveyor, engineer or a chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;	
Repair and rental establishment	means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery, and upholstery and furniture repairs;	N/A
Retail store	means a building or part thereof with a total commercial floor area of 20,000 ft ² (1858.00 m ²) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.	N/A
Service shop	means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessary	N/A

	restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;	
Entertainment uses	N/A	A building, structure or lot used or intended to be used for the purpose of night clubs, cabarets, cinemas, theatres and the like.
Residential uses	N/A	1. The use of a building or structure or parts thereof as a dwelling. 2. The use of land, buildings or structures for human habitation.

Amending the definition of institutional use to include privately owned and for-profit organizations or companies would change the intent of the Institutional (I) Zone. Additionally, to permit all of the requested uses in the Institutional (I) Zone would require an amendment to the list of permitted uses in that zone to include uses such as office, repair and rental establishment, service shop, etc. If changes were made to the definition of institutional use and the list of permitted uses in the Institutional (I) Zone this would allow any property zoned Institutional (I) in Windsor to change the use of the property as-of-right to one of those uses without a public process or approval by Council.

3.0 CONCLUSION

In conclusion, staff have considered and provided Council with additional information about the two concerns that were raised by the public at the PIM. Staff continues to recommend rezoning the property at 411 King Street to General Commercial (GC) as per the staff report of February 13, 2020.

4.0 APPENDICES

Appendix A Excerpts from the Windsor Municipal Planning Strategy and Land Use By-law - Intent of the Institutional (I) Zone

Appendix B 02-13-2020 Windsor Planning Advisory Report #19-13

Report Reviewed by: Madelyn LeMay, Director of Planning and Development

Appendix A
Excerpts from the Windsor Municipal Planning Strategy and Land Use By-law
Intent of the Institutional (I) Zone

WINDSOR MUNICIPAL PLANNING STRATEGY

11.0 COMMUNITY USE

Community use areas, including parks, open space and recreational uses, as well as institutional uses such as schools, churches and museums, are intended for the use of the general community. Windsor has extensive public community resources for both passive and active recreation including parks, sports fields, an outdoor swimming pool, a community centre and a library. The Windsor Recreation Department has operational responsibility for many of the Town's public recreation facilities and sponsors a wide range of recreation programs designed to meet the needs of all of the Town's residents. In addition, there are a number of private recreation uses in or near the Town including: an arena, tennis courts, a paddling club, a curling club, golf courses, bowling alleys and ski hills and cross-country skiing trails.

11.1 Institutional

As the regional service centre and the county seat for Hants County, Windsor has a considerable number of institutional land uses. Among these are educational facilities and homes for senior citizens. The Hants Community Hospital, churches and museums also fall into this category. Some of these institutional uses are relatively isolated while others are located in predominantly residential neighbourhoods. Because of the amount of traffic and noise that may be associated with them, some institutional uses have a significant impact on their surrounding neighbourhood. For this reason, new institutional uses will be permitted only by development agreement to allow Council more control over the development. The Land Use By-law will contain abutting zone requirements and will require a larger minimum lot size to help mitigate negative effects.

WINDSOR LAND USE BY-LAW

24.0 INSTITUTIONAL (I)

Permitted Uses

24.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the Societies Act
- Armouries
- Churches and associated halls
- Colleges, universities and schools, including school dormitories

- Community centres
- Community service clubs and organizations
- Courthouses
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor and outdoor recreation uses
- Libraries, museums and art galleries
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

Institutional (I) Zone General Requirements

24.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	24,000 ft ² (2,229.60 m ²)
Minimum lot frontage	120 ft (36.58 m)
Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	30 ft (9.14 m)
Maximum height of main building	3 storeys
Maximum height of accessory building	15 ft (4.57 m)

31.0 DEFINITIONS

Institutional Use means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;

Appendix B
02-13-2020 Windsor Planning Advisory Report #19-13



TOWN OF WINDSOR
RECOMMENDATION REPORT

To: Members of Town of Windsor Planning Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: February 13, 2020

Subject: Land Use By-Law Map Amendment: 411 King Street, Windsor; PID 45059755

File # **19-13**

1.0 BACKGROUND

An application was received on December 3, 2019 from Michael Jamieson to permit a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses, and residential uses at 411 King Street, Windsor (PID 45059755). The building was constructed in 1898 and the property was used as Windsor United Baptist Church until November 2019 when the congregation moved to a different location. The property is currently owned by a registered company, 3333941 Nova Scotia Limited. Michael Jamieson is the Director of that registered company.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act Part 8; Windsor Municipal Planning Strategy (WMPS) and Land Use By-law (WLUB).

3.0 RECOMMENDATION

To allow the requested development, staff recommends that the Windsor Planning Advisory Committee forward a positive recommendation by passing the following motion:

that Regional Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Windsor Land Use By-law to enable the lot located at 411 King Street, Windsor, PID 45059755 to be rezoned from the Institutional (I) Zone to the General Commercial (GC) Zone, as shown on the map attached as Figure 3 to the Windsor Planning Advisory Committee report #19-13 dated February 13, 2020.

4.0 DISCUSSION and DOCUMENT REVIEW

The lot is designated Community Use (CU) on the Generalized Future Land Use Map of the WMPS (Figure 1). Part 11.0 of the WMPS contains the overall intention for properties designated Community Use (CU) in Windsor.

The subject lot is zoned Institutional (I) on the Zoning Map of the WLUB (Figure 2). Commercial schools, offices, repair and rental establishments, retail stores, service shops, and entertainment uses are not permitted within the Institutional (I) Zone. Residential uses are only permitted within the Institutional (I) Zone if they are accessory to a use permitted in the Institutional (I) Zone. The owner has no intention of using the lot for an institutional use.

The owner would like to convert one half of the building to residential uses and offices for the operation of their audio and lighting production business and preserve the other half of the building, where the church services have been held, to train staff members how to use audio equipment and lighting and for indoor entertainment uses such as musical performances and theatre shows.

4.1 Municipal Planning Strategy

The 2.8-acre subject lot is located on King Street. The lot is directly abutting properties with single unit dwellings which are zoned Single Unit Residential (R-1) and commercial properties which are zoned General Commercial (GC) (Figure 2).

For the existing structure to be allowed to be used for the uses requested an amendment to the Zoning Map of the WLUB is required. Figure 3 shows the proposed changes to the Zoning Map.

Section 8.0 of the WMPS contains the commercial policies for Windsor. Policy 8.3.2 establishes Council's intention to *"consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law"*. The subject lot is not within the Wentworth Road Gateway District therefore the rezoning to General Commercial (GC) can be considered under this policy.

Although the owner is planning to utilize the existing building for their proposed uses, it is important to note that the lot is included in the Environmental Constraints designation which means that it has been identified as marshland, specifically

within the Tregothic Marsh. Properties within the Environmental Constraints designation have to meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. Since the owner is utilizing the existing building, which was constructed (in 1898) before land use regulations were in place, they do not have to meet these requirements unless they are proposing to construct new buildings on site. The existing building may be enlarged, reconstructed, repaired or renovated provided all other requirements of the WLUB are met.

The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects marshland for agricultural purposes. Being exempt from this portion of the *Act* means that the owner would not have to apply to the marsh body to allow any future construction. Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.

4.1.1 WMPS Specific Criteria

Policy 8.3.2 establishes Council's intention to "*consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law*" and establishes the criteria to be considered by Council. These criteria are examined in detail in Appendix B. In summary, the criteria are met since:

- the lot is serviced by both municipal water and sewer;
- the proposed use will not conflict with adjacent existing uses;
- the proposal meets the WMPS general criteria.

4.1.2 WMPS General Criteria

The proposal meets the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Appendix C. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

4.2 Land Use By-law

4.2.1 Text Amendment

The definitions of the WLUB, although not directly applicable to the WMPS, can be used as a guide to the intent of the WMPS. On the subject lot, the applicant proposes to renovate half of the existing building for residential uses and offices which may include repair, service, rental and sales of equipment, and preserve the other half for a commercial school to train staff members how to use equipment and for indoor entertainment uses. Should the lot be amended from the Institutional (I) Zone to the General Commercial (GC) Zone (Appendix A), the proposed uses would be allowed “as-of-right”, as they are each listed as a permitted use in the General Commercial (GC) Zone.

Therefore, there are no required text amendments to the WLUB for this application.

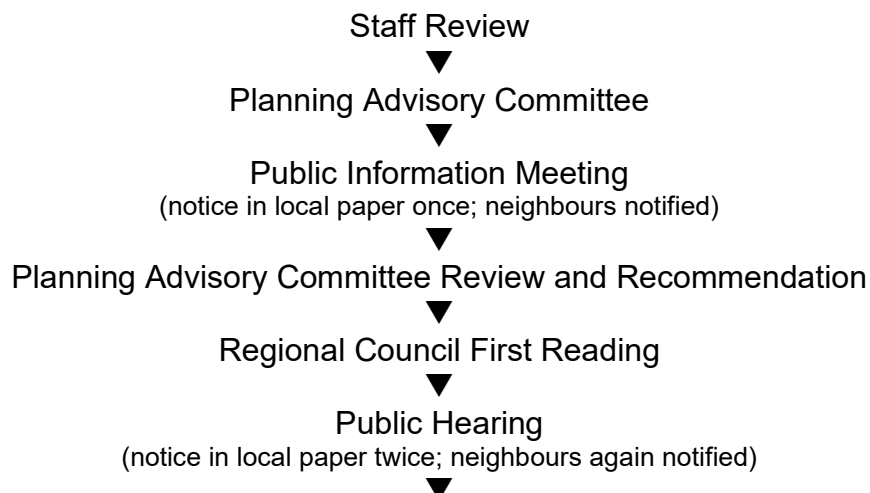
4.2.2 Map Amendment

The proposed uses are not permitted in the Institutional (I) Zone. There is a policy option to allow Council to consider rezoning the subject lot to the General Commercial (GC) Zone. The proposed uses are permitted in the General Commercial (GC) Zone. An amendment to the WLUB Zoning Map is required for this application. The proposed map amendment is shown in Figure 3.

5.0 CONCLUSION

As noted above, the proposed map amendment has been considered within the context of both the specific and general policies of the WMPS and is consistent with the intent, objectives and policies of the WMPS. The proposed map amendment meets the specific and general criteria for amendments to the WLUB. There are no proposed text amendments. As a result, it is reasonable to amend the zoning of the lot located at 411 King Street, Windsor, PID 45059755 from the Institutional (I) Zone to the General Commercial (GC) Zone on the Zoning Map of the Windsor Land Use By-Law.

6.0 PROCESS



Regional Council Second Reading



Notice of Approval in Local Paper



14 Day Appeal Period

7.0 OPTIONS

In response to the application, WPAC may recommend that Regional Council:

- hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of WPAC;
- provide alternative direction such as requesting further information on a specific topic.

8.0 APPENDICES

Figure 1 Windsor Generalized Future Land Use Map – Existing

Figure 2 Windsor Zoning Map – Existing

Figure 3 Draft Windsor Zoning Map – Proposed Amendment

Appendix A General Commercial (GC) Zone

Appendix B Specific Criteria for Amendment

Appendix C General Criteria for Amendment

Report Reviewed by: Madelyn LeMay, Director of Planning and Development

Figure 1
Windsor Generalized Future Land Use Map – Existing

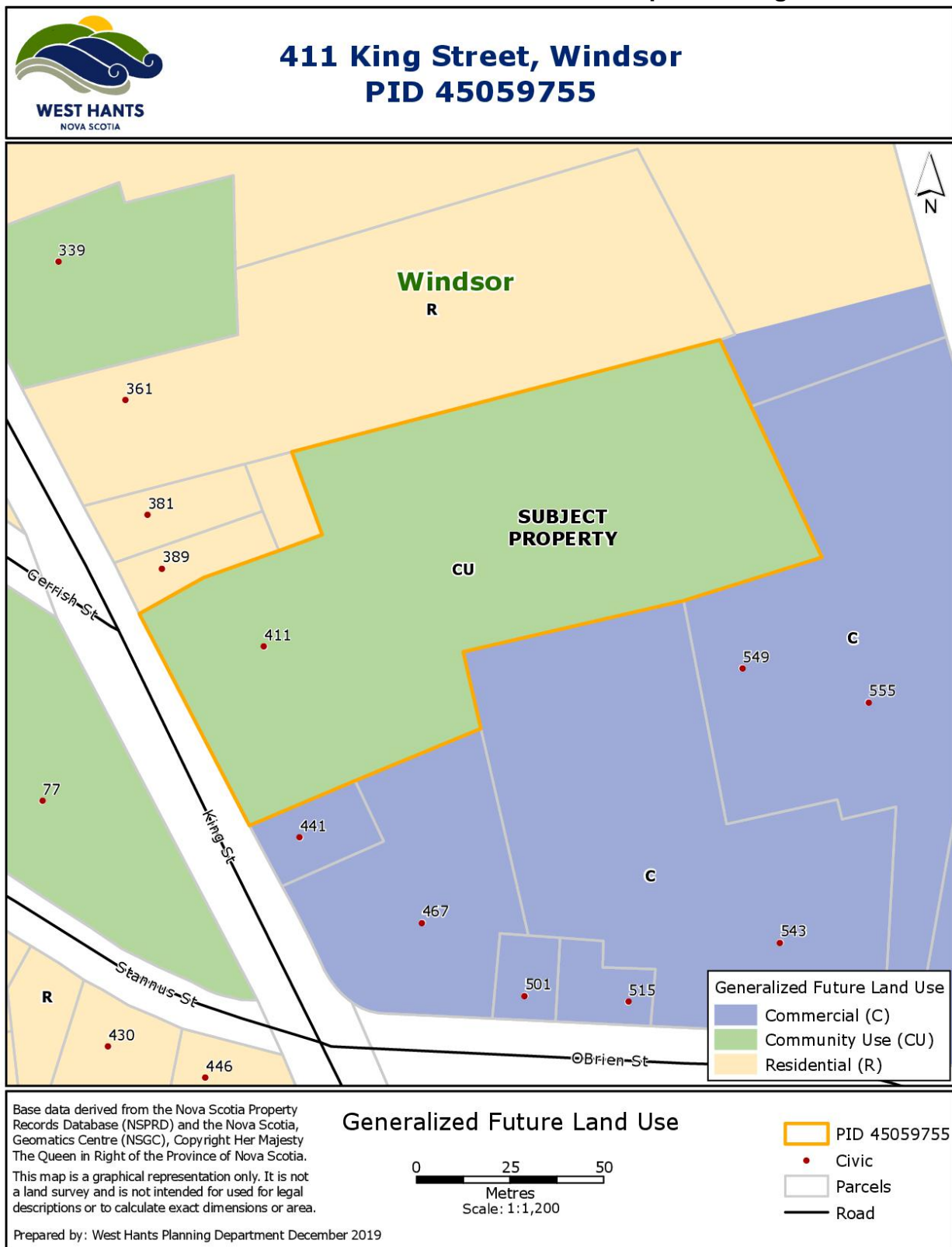


Figure 2
Windsor Zoning Map – Existing

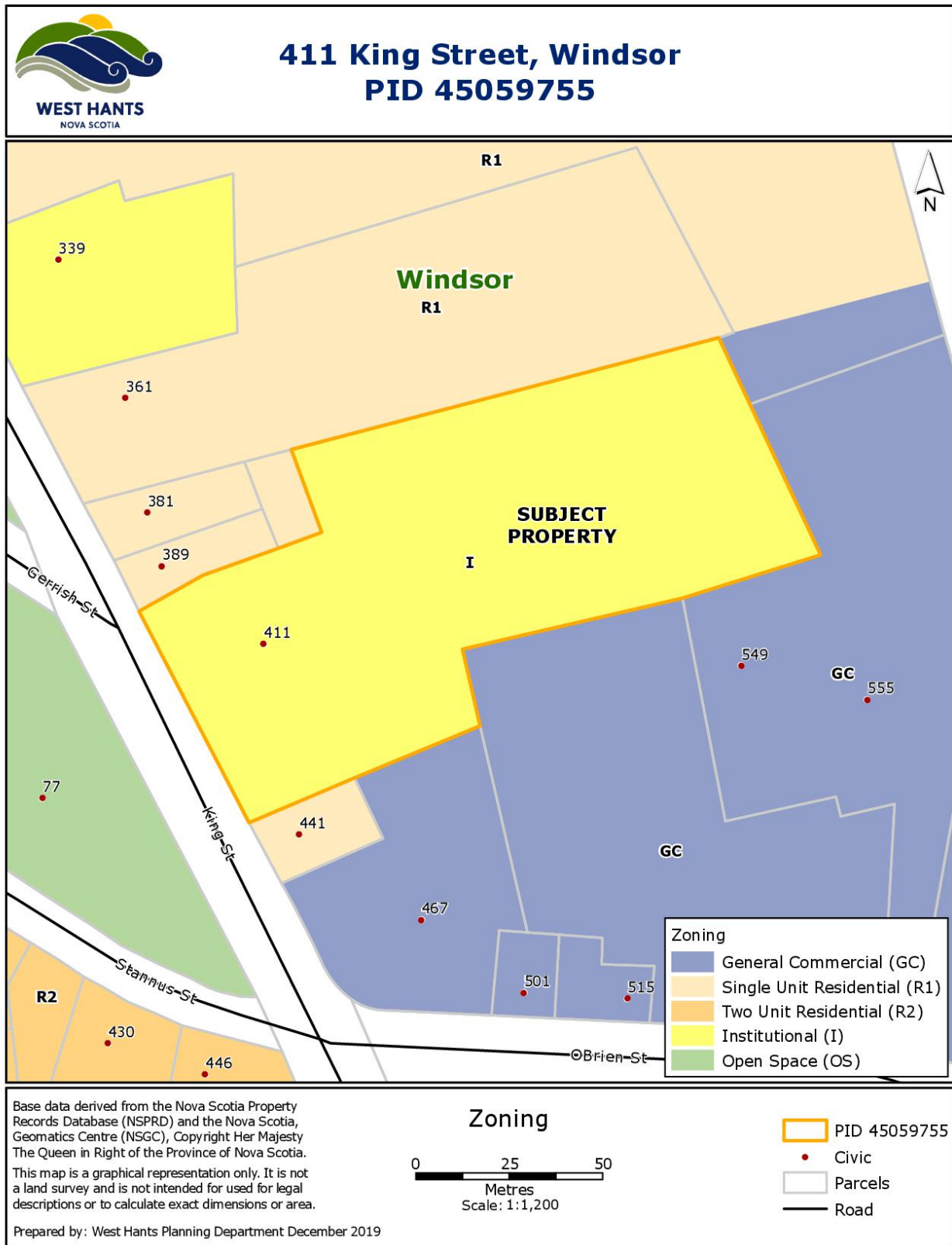
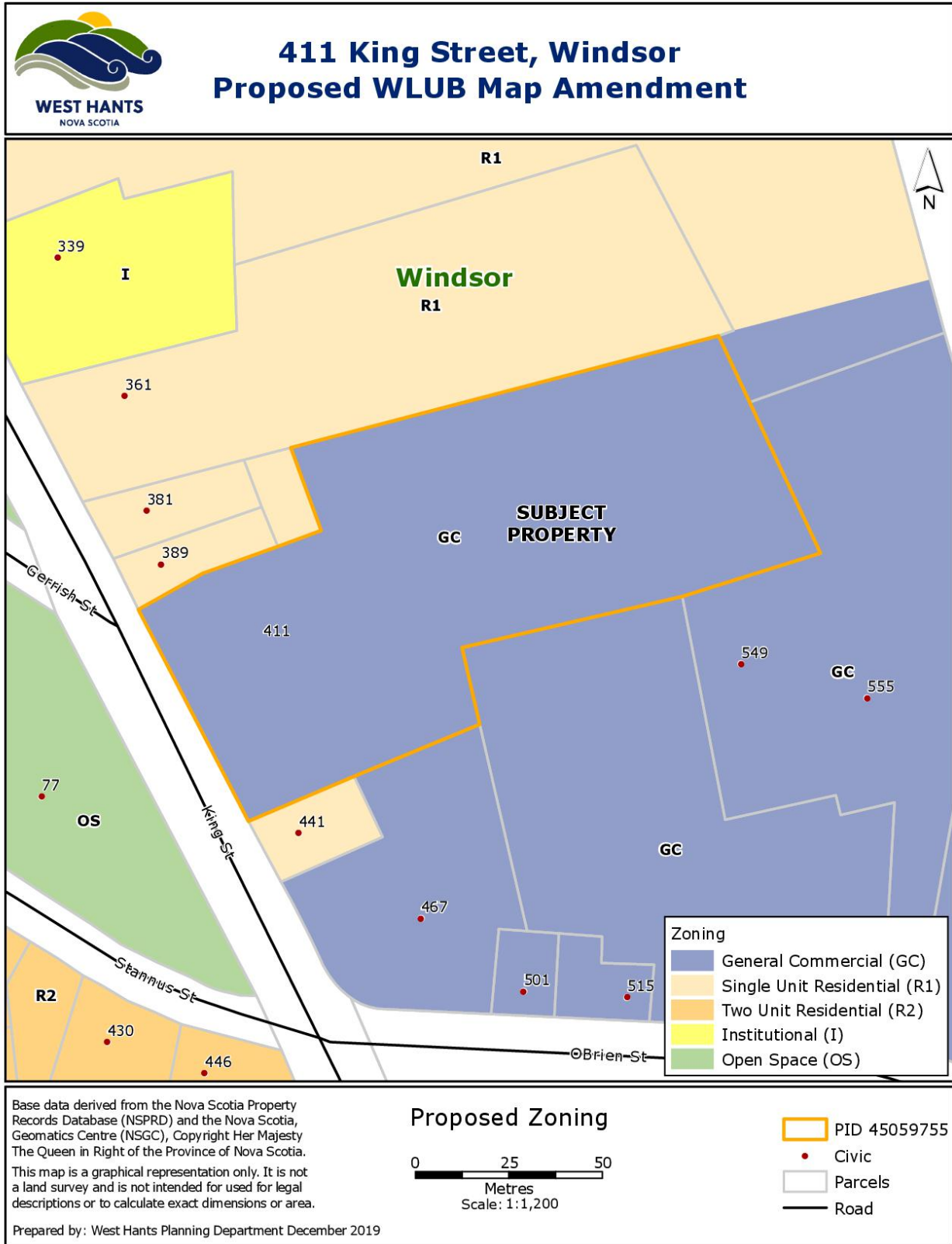


Figure 3
Draft Windsor Zoning Map – Proposed Amendment



Appendix A

General Commercial Zone

17.0 GENERAL COMMERCIAL (GC)

Permitted Uses

17.1 The following uses shall be permitted in the General Commercial (GC) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Country inns
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Garden and nursery sales and supplies
- Licensed liquor establishments
- Local shopping centres containing uses permitted in the GC zone
- Microbrewery, Microdistillery, Winery (Amended WLUB 18-01 Effective January 29, 2019)
- Offices
- Parking structures
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Existing residential uses

GC Zone General Requirements

17.2 In the GC zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	10,000 ft ² (929.00 m ²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

Open Storage

17.3 No open storage shall be permitted in the GC zone.

Residential Uses

17.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

Access

17.5 Entrance to and exit from properties zoned GC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

Appendix B

Specific Criteria for Amendment

8.0 COMMERCIAL

8.3 General Commercial

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

CRITERIA	COMMENT
<i>(a) the proposed use has direct access to:</i>	
<i>(i) an arterial road as shown on the Transportation Map (Map 2), or</i>	King Street is an arterial road as shown on the Transportation Map (Map 2) of the WMPS.
<i>(ii) a major collector road shown on the Transportation Map (Map 2) provided a traffic impact study is submitted to the Town which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing streets as determined by the Traffic Authority;</i>	Not applicable.
<i>(b) the proposed use will not conflict with adjacent uses; where located in the Residential designation, particular attention is paid to compatibility in terms of building scale and design and traffic generation;</i>	The lot is within the Community Use (CU) designation and currently zoned Institutional (I). The subject lot abuts properties zoned Single Unit Residential (R1) to the north, General Commercial (GC) to the east and south and Open Space (OS) to the west. As the proposed uses are to be located in the existing building it is not anticipated that they would conflict with the adjacent uses.
<i>(c) required parking can be provided;</i>	The parking requirements will need to be determined once the owner knows exactly what uses permitted in the General Commercial (GC) Zone are being proposed and the square footage of each use. The Development Officer stated that given the size of the lot and the fact that it was formerly used as a

	church, they are not anticipating that parking will be a problem.
<i>(d) traffic flow and pedestrian safety will not be adversely affected;</i>	The Traffic Authority had no concerns about the impact of the proposed use on traffic generation and traffic safety or the ability to provide safe and efficient roadway access to the lot.
<i>(e) adequate landscaping, green space and buffering will be provided;</i>	The lot is approximately 2.8 acres in size; the proposed uses are to be located within the existing building. Any future building or expansion would need to meet the requirements of the General Commercial (GC) zone.
<i>(f) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual, if the proposed development is located in an Architectural Control District;</i>	Not applicable as the lot is not within an Architectural Control District.
<i>(g) any other matter which may be addressed in a Land Use By-law; and</i>	All other matters have been addressed elsewhere in this report.
<i>(h) Policy 16.3.1.</i>	See Appendix C.

Appendix C

General Criteria for Amendment

16.0 IMPLEMENTATION

16.3 Land Use By-law Amendments and Development Agreements

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Acting Director of Public Works confirmed that the lot is connected to the Town of Windsor's water distribution system and combined wastewater system. They did not have any concerns regarding the supply of water or effluent which may be discharged into the sewer and stated all relevant rules, policies, codes and regulations must be followed for both water and wastewater.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection;</i>	In response to an inquiry, the local Fire Chief stated that they do not believe the proposed uses for the lot are premature or inappropriate for the area. When discussing the adequacy of fire protection, the Fire Chief specified that the fire department currently has access to all sides of the structure. He added that laneways and apparatus access points should not be restricted by outside storage or new outbuildings because a fire in the structure that gets any headway would require multiple aerial trucks to control and prevent spread to neighbouring occupancies. Due to the current and potential fire loads, 360-degree access must be maintained regardless of what uses the owner decides to do there.

	The Fire Chief also specified that any major change of use from the current assembly occupancy of the building would need input from the Senior Building and Fire Official to ensure proper fire separations, alarm systems, sprinkler systems and occupancy load, particularly when there is potential for breweries, distilleries, licensed liquor establishments and restaurants in the General Commercial (GC) Zone. If the owner plans on living and running a business in this structure the Fire Inspector input is paramount. The Senior Building and Fire Official confirmed that he does not have any issues with the uses listed in the new zone being permitted on this lot. He added that the required fire separations will have to be determined when the owner applies for a building permit.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority had no concerns about the adequacy of road networks adjacent to or leading to the subject lot.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Town or new Regional government in regard to this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has confirmed that the existing driveway is suitable as a commercial access and has no concerns. There is no rail transportation in this area. There is a sidewalk in front of the lot which will not be impacted by the proposed uses.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer has no concerns with regards to the dimensions and shape of the lot for the proposed uses <i>“as this is a large lot and there is no indication that the new owner plans to expand the building footprint.”</i>
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer has no concerns with the pattern of development this proposal might create.

<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	This clause is not applicable as the proposed uses are to be contained within an existing building. However, it is important to note that the lot is included in the Environmental Constraints designation which means that it has been identified as marshland. The owner is able to enlarge, reconstruct, repair or renovate the existing building provided all other requirements of the WLUB are met, however any new buildings proposed on site would be required to meet Section 27.0 of the WLUB.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Report to Planning Advisory Committee**

To: Members of West Hants Planning Advisory Committee

Submitted By: _____
Sara Poirier, Planner

Date: February 20, 2020

Subject: **Amendment to Development Agreement: 741 McKay Road, McKay Section, West Hants, PID 45372224**

File #: 19-03

1.0 BACKGROUND

A completed application was received on December 4, 2019 from James and Michelle Maynard to amend their development agreement which allows a home-based auto repair shop and was registered at the Land Registry Office on June 8, 2016. The applicants wish to expand the uses permitted by the development agreement to include vehicle sales and vehicle accessory sales on their property at 741 McKay Road (PID 45372224), McKay Section, West Hants. James and Michelle Maynard own the property.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act Part 8; West Hants Municipal Planning Strategy (WHMPS) and Land Use By-law (WHLUB).

3.0 RECOMMENDATION

To allow the requested development, staff recommends that the West Hants Planning Advisory Committee (WHPAC) forward a positive recommendation by passing the following motion:

that Regional Council give First Reading and hold a Public Hearing to consider entering into an amended development agreement which will permit an automobile sales establishment and is substantively the same as the draft amending development agreement attached as Appendix D of the report to the

West Hants Planning Advisory Committee dated February 20, 2020, taking note that this development agreement will discharge and replace the development agreement registered at the Land Registry Office on June 8, 2016 as document 109062613, which permits an automobile repair shop at 741 McKay Road, McKay Section, PID 45372224.

4.0 DISCUSSION and DOCUMENT REVIEW

The 14.6-acre property is located within the Agriculture designation on the Generalized Future Land Use Map of the WHMPS (Figure 1). The subject lot is zoned Agricultural Priority Two (AR-2) on the Zoning Map of the WHLUB (Figure 2). Part 8 of the WHMPS contains the overall intention for the Agriculture designation in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) zone. Commercial and industrial uses are not permitted as-of-right in the Agricultural Priority Two (AR-2) zone.

The property owners currently reside in a single unit dwelling on the property. The development agreement restricts the home-based auto repair shop to a 400 ft by 200 ft area on the property, also known as the "development site" (Figure 3). The owners are not proposing any changes to the size of the development site.

4.1 Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The Development Officer has reported that there has been no violations of the current development agreement to date.

Section 11.0 *Amendments* of the current development agreement states that the only non-substantive amendment to the development agreement is *"any addition or removal of lands that does not make any alteration to the Development Site."* As the request is to permit an additional use this would be considered a substantive amendment and section 11.2 of the development agreement would apply which states *"Amendments to any matters not identified in Section 11.1 are substantive and shall only be amended in accordance with the provisions in Section 230 of the Municipal Government Act."*

The draft amending development agreement with the highlighted changes can be found in Appendix C.

4.2 Request for Amendment

The current development agreement allows a home-based auto repair shop as defined in the development agreement as *"a commercial shop for the general repair, rebuilding, and reconditioning of automobiles and light trucks (up to one ton), done in conjunction with a single unit dwelling"*.

The property owners are interested in supplementing this business by displaying one to three used vehicles and vehicle accessories for sale at one time as an extra service for customers and to draw new customers into the business.

In Nova Scotia, the Motor Vehicle Act specifies that to be able to buy, sell or trade over four motor vehicles, trailers or semi-trailers in any twelve month period the individual is required to have a Dealer License from the Registry of Motor Vehicles. As part of the application for a Dealer's License the individual must have a zoning confirmation letter from the Municipality stating that the property is permitted to be used for the display, sale and repair of motor vehicles. An amendment to the current development agreement to permit the display and sales of vehicles on the property must be completed before a zoning confirmation letter can be provided in support of their application to the Registry of Motor Vehicles.

To accommodate this request it is proposed that the definition of the permitted use on the property be changed to an automobile sales establishment which would be defined as *"a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling."* This use would accommodate the property owners current and proposed uses on the property.

Although the property owners plan to utilize social media as the main way to generate awareness for the additional sales component of the business, they have requested the addition of a clause in the amending development agreement to allow outdoor display of up to three (3) vehicles if required. In the amending development agreement the outdoor display area is required to be a minimum of 25 ft from the front lot line to ensure potential customers pull into the property owners driveway and avoid any potential traffic congestion on McKay Road.

The current development agreement lists specific criteria of the business, similar to that of a home-based business, including ownership of the business and the number of staff to be employed for the business. The hours of operation of the business are also restricted in the development agreement to 7 a.m. to 9 p.m., Monday to Sunday. No changes to these items are requested in the amending development agreement.

4.3 West Hants Municipal Planning Strategy and West Hants Land Use By-law

Section 6.1 of the WHLUB, *Development Agreements*, states that *"The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy..."*

- (s) *Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;*"

Part 8 of the WHMPS contains the overall intention for the Agriculture areas in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) zone. Policy 8.9.4 states that *"it shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement."*

The Resource Industrial (M-1) zone allows one dwelling unit in conjunction with a permitted Industrial use and lists *"any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment"* as a permitted use. The automobile sales establishment definition would accommodate the property owners current and proposed uses on the property.

4.4 WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council intention to consider new Resource Industrial (M-1) uses by development agreement and also establishes the criteria to be considered by Council. These criteria are examined in detail in Appendix A. In summary, the criteria are met since:

- the agrologist report (2016) determined that the development site would have little or no agricultural capability;
- the Department of Transportation and Infrastructure Renewal (DTIR) has advised that existing access is acceptable for the proposed additional commercial use;
- the development will not adversely affect adjacent land uses; and
- adequate separation distances will be provided.

4.5 WHMPS General Criteria

The proposal meets the general criteria for amendments as set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Appendix B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and DTIR have no concerns.

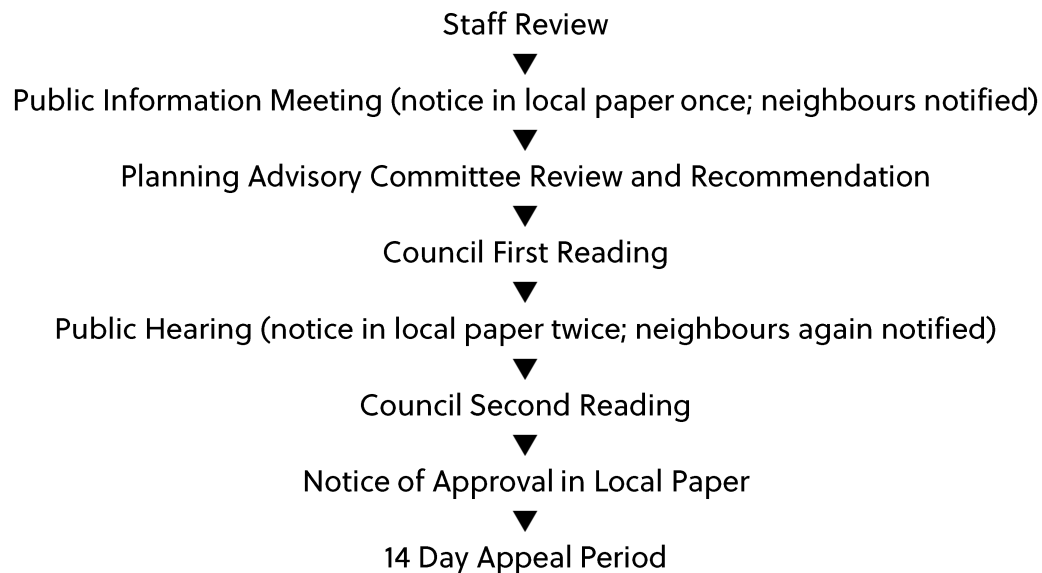
5.0 WEST HANTS MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding map (2013) and Seawater Intrusion map (2013) were consulted and the property does not appear susceptible to flooding or seawater intrusion.

6.0 CONCLUSION

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider amending the development agreement to allow an automobile sales establishment at 741 McKay Road, McKay Section, West Hants, PID 45372224.

7.0 PROCESS



8.0 OPTIONS

In response to this application, WHPAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of WHPAC; or
- provide alternative direction such as requesting further information on a specific topic.

9.0 APPENDICES

Figure 1	West Hants Generalized Future Land Use Map
Figure 2	West Hants Zoning Map
Figure 3	Development Site
Appendix A	Specific Criteria for Development Agreement
Appendix B	General Criteria for Development Agreement
Appendix C	Draft Development Agreement showing amendments

Appendix D Draft Development Agreement

Report Approved by Madelyn LeMay, Director of Planning and Development

Figure 1
West Hants Generalized Future Land Use Map

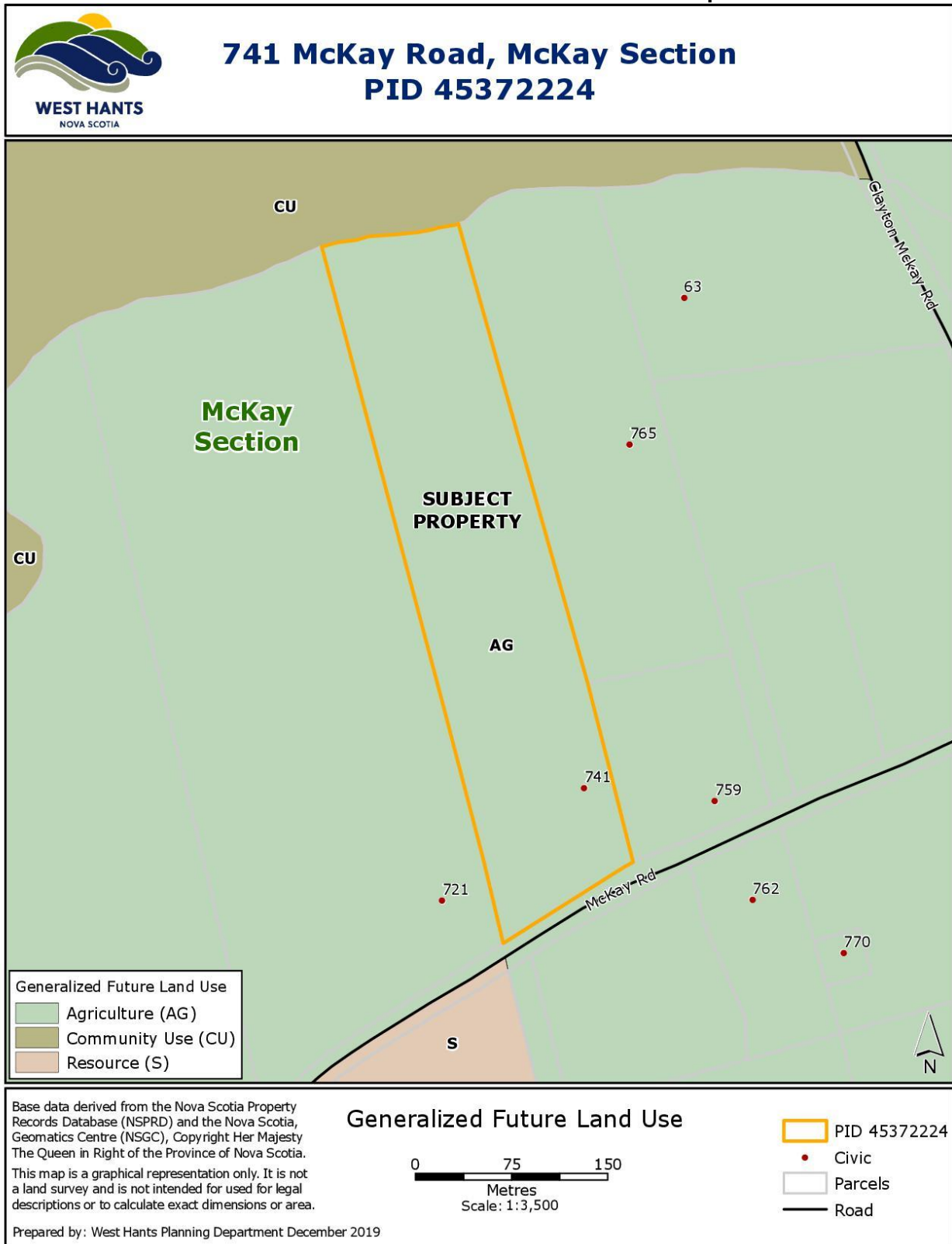


Figure 2
West Hants Zoning Map

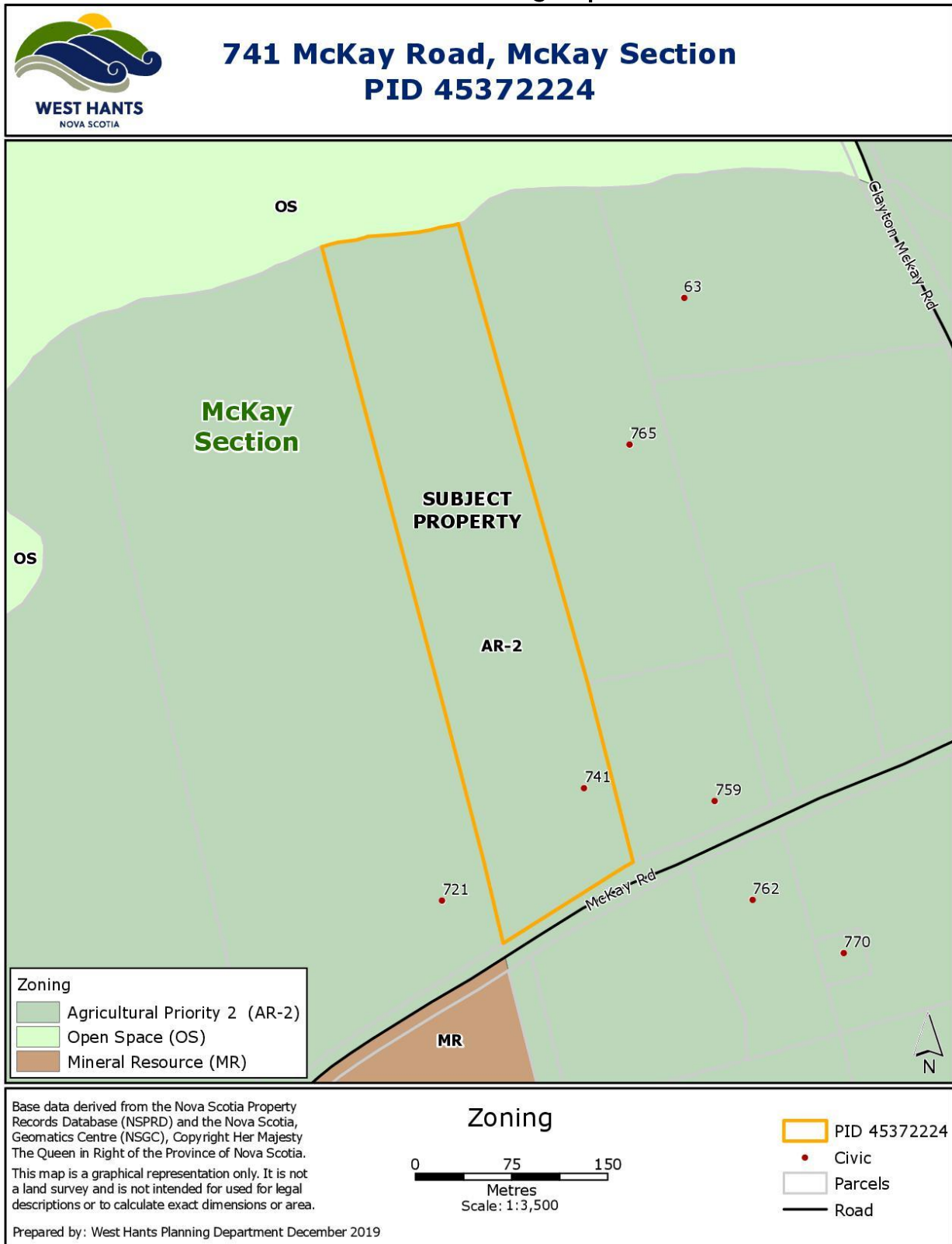
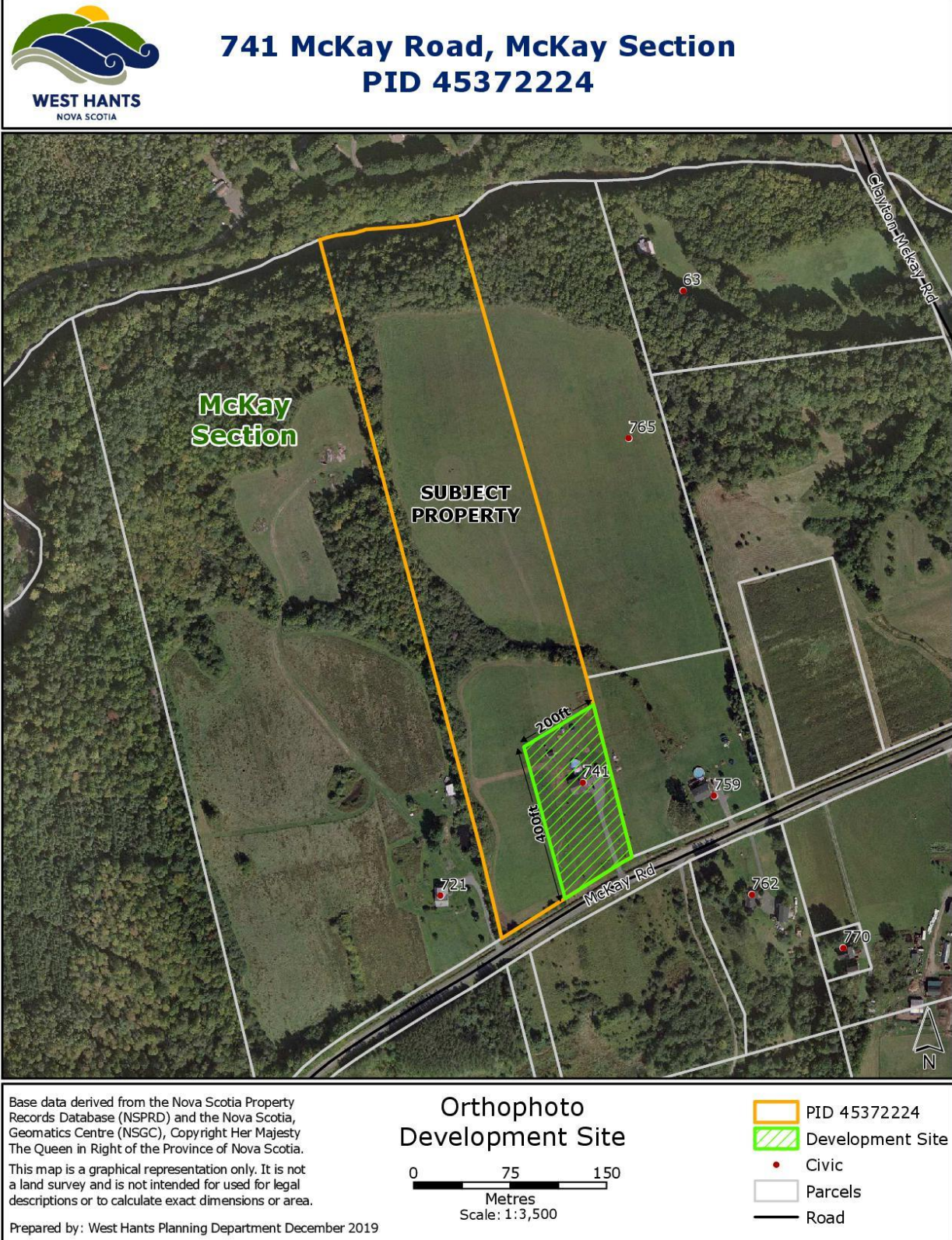


Figure 3
Development Site



APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT

8.0 AGRICULTURE

8.9 Agricultural Priority Two

Non-Farm Development

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	COMMENT
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	The agrologist report conducted in March 2016, and discussed in Policy 8.6.1, determined that the 400 ft by 200 ft development site would have little or no agricultural capability. See 8.6.1 (b) (ii).
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The agrologist report (2016) discussed in Policy 8.6.1, determined that <i>"There would be no foreseeable impact or limitation on the neighbouring properties to farm their lands as a result of this proposed project."</i>
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	As the proposed uses are limited to the development site and there a specific criteria, similar to that of a home-based business including ownership of the business and the number of staff to be employed for the businesses, the commercial uses are not anticipated to adversely affect the agricultural character of the area.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The entire property is approximately 14.6 acres in size with only approximately 1.8 acres being used as the development site. Any new structures will be required to meet the setbacks in the West Hants Land Use By-law to ensure adequate separation distances are provided.
<i>(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i>	An automotive sales establishment that is limited in size and is subject to specific criteria similar to that of a home-based business would be compatible with the rural nature of West Hants.
<i>(f) safe and efficient roadway access is provided;</i>	McKay Road is a Provincially owned road under the jurisdiction of the Department of Transportation and Infrastructure Renewal (DTIR). The DTIR confirmed that the existing access is acceptable for the proposed additional commercial use and that they do

	not anticipate a negative impact to the Provincial road network with the proposed commercial activities.
<i>(g) adequate on-site parking is provided;</i>	Adequate on-site parking will be provided for the automobile sales establishment. The development agreement specifies that a maximum of five (5) parking spaces shall be provided with the addition of an open display space for up to three (3) vehicles if needed.
<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	There will be a minimal increase of traffic generated by allowing the addition of vehicle and vehicle accessory sales to the current automobile repair shop. Hours of operation are limited in the development agreement to ensure quiet times are maintained between 9 p.m. and 7 a.m. the following day.
<i>(ii) hours of operation;</i>	The development agreement limits the hours of operation of the automobile repair shop to 7:00 p.m. – 9 p.m. daily.
<i>(iii) size and design of building(s);</i>	The existing two bay garage and parking area will be used for the automobile sales establishment. Any additions or construction will require the appropriate building and development permits prior to construction.
<i>(iv) signage; and</i>	The number, type and size of signage is regulated in the amending development agreement.
<i>(v) pedestrian circulation and safety.</i>	No impact on pedestrian traffic or safety is anticipated. No pedestrian safety plan currently exists in West Hants.
<i>(i) any other matter which may be addressed in a development agreement;</i>	No other matters are of concern.
<i>(i) Policy 16.3.1.</i>	See Appendix B.

8.0 AGRICULTURE

8.6 Determination of Agricultural Capability

Policy 8.6.1 *It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:*

CRITERIA	COMMENT
(a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or	Not applicable.
(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:	A study was prepared by R. Gary Morton, Professional Agrologist, in March 2016 which concluded that the "proposed development does not impact the ability to farm the Maynard lands. The proposed change is only a use change, and the proposed use change does not affect or impact the ability to farm these lands any more than under the current situation."
(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or	Not applicable.
(ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;	Mr. Morton's report (2016) states that the soil rating for the subject property is Class 3 in the Canadian Land Inventory (CLI) however the property would have limitations for agricultural use. The report highlights a few reasons for limitations, including that: • "the land has not been farmed for over 25 years and the land has had poor crop returns when people have tried farming it; • the degree of slope of the back 10 acres of the property would not be suitable for the production of most vegetable crops and erosion would be a key concern on this site; • the development site is basically the area encompassing the farm residence, the associated yard, the outbuilding and a garage. The development area in essence defines the envelope around the existing buildings which at present are not available for agriculture production nor have they been for many years. These lands will likely not return to agriculture production, as most farms

	<i>require an area for a resident and the associated farm support buildings such as a garage;</i> <i>• approximately 12.6 acres of the total 14.6 acres of the Maynard property will still be available for agriculture production, which is approximately the same amount that is currently available today prior to any development agreement; and</i> <i>• this project does not fragment the total farmland package, nor does it permanently separate any of the property lands."</i>
<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	Mr. Morton was a member of the Nova Scotia Institute of Agrologists at the time the agrologist report (2016) was prepared.
<i>(ii) require a site inspection by the agrologist;</i>	The agrologist report (2016) states that a site inspection was conducted on March 4, 2016.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	Mr. Morton (2016) specified that <i>"the 1954 Soil Survey of Hants County Nova Scotia, Report #5, D.B. Cann (AAFC), J.D. Hilchey and G.R. Smith (NSDA) and the database of the West Hants Planning Department"</i> was used to determine the soil type and classification.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	A description of site characteristics was included in the agrologist report (2016).
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	A site plan and pictures were included in the agrologist report (2016).
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding</i>	Mr. Morton's report (2016) specified that <i>"there would be no foreseeable impact or limitation on the neighbouring properties to farm their lands as a result of this proposed project"</i> .

<i>land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	See 8.6.1 (b).
<i>(viii) indicate the implications of fragmenting the land.</i>	Mr. Morton's report (2016) specified that <i>"this project does not fragment the total farmland package, nor does it permanently separate any of the property lands."</i>

APPENDIX B

GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor is it a location that is projected to be developed with such services in the immediate future. Any additional water supply or septic disposal required for this use would need to be approved by the Department of Environment and installed at the expense of the property owners.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	In response to an inquiry, the local Fire Chief stated that they do not see an issue with fire protection for this property. The Senior Building and Fire Official added that any additions to the building would require the appropriate building and development permits and appropriate fire separations between the sales office and vehicle repair shop.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	See 8.9.4 (f).
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality related to this development agreement amendment.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Director of Public Works stated that this property is not serviced and is not capable of being serviced by municipal water and sewer at this time. Supply of water and septic disposal is the responsibility of the owners. See 16.3.1 (a)(i).
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The addition of the automobile sales establishment to the automobile repair shop will add minimal traffic on McKay Road. DTIR has determined there is adequate access to the property and does not anticipate any negative impact to the Provincial road network. There is no rail

	transportation in this area. No impact on pedestrian traffic or safety is anticipated.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer confirmed that the dimensions and shape of the development site is adequate for the proposed use.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer does not foresee any pattern of development being established or any adverse effects on the surrounding agricultural area with this proposed amendment.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The agrologist report (2016) states some limitations of the property for agricultural uses including slope and soil quality, however as the proposed uses will be contained within the development site these limitations will not be a factor for the proposed uses. The Municipal Climate Change Action Plan (MCCAP) Inland Flooding map (2013) and Seawater Intrusion map (2013) were consulted and the property does not appear susceptible to flooding or seawater intrusion.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.

APPENDIX C
DRAFT DEVELOPMENT AGREEMENT showing amendments

Red = proposed changes to the agreement

Purple = proposed changes for new Regional Municipality



DEVELOPMENT AGREEMENT

THIS AMENDING AGREEMENT made this day of , 2020.

BETWEEN:

REGION OF WINDSOR AND WEST HANTS MUNICIPALITY, a **municipal** body
corporate ~~pursuant to the Municipal Government Act, having its chief place of
business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of
Nova Scotia,~~

(Hereinafter referred to as the "**MUNICIPALITY Municipality**")

OF THE FIRST PART

- and -

JAMES and MICHELLE MAYNARD, of 741 McKay Road, **Newport McKay Section**, in the
County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "**DEVELOPER Owners**")

OF THE SECOND PART

WHEREAS the **DEVELOPER Owners** are the registered owners of a 14.6 acre parcel of land
located at 741 McKay Road, **Newport McKay Section**, (PID 45372224), hereinafter referred to
as the "Property", which lands are more particularly described in Schedule A attached
hereto;

~~**AND WHEREAS** the DEVELOPER has requested that the MUNICIPALITY enter into a
development agreement to permit a Resource Industrial use (a home-based auto repair
shop) on the Property (the "Development") pursuant to Policy 8.9.4 of the Municipality of
the District of West Hants Municipal Planning Strategy (the "Municipal Planning Strategy");~~

AND WHEREAS the Owners and Municipality entered into a development agreement to permit a Resource Industrial (M-1) use (a home-based auto repair shop) dated May 31, 2016 and recorded at the Land Registry Office on June 8, 2016 as document 109062613;

AND WHEREAS the Owners have requested to amend this Agreement to change the permitted Resource Industrial (M-1) use from a home-based auto repair shop to an automobile sales establishment which will allow the display and sales of vehicles and vehicle accessories in conjunction with the automobile repair shop;

AND WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the ~~West Hants Municipality's~~ Municipal Planning Strategy (June 26, 2008) and zoned Agriculture Priority Two (AR-2) on the Zoning Map of the ~~West Hants Municipality's~~ Land Use By-law (June 26, 2008);

AND WHEREAS Policy 8.9.4 of the ~~West Hants~~ Municipal Planning Strategy and Section 6.1 (s) of the ~~West Hants Municipality's~~ Land Use By-law provide that new Resource Industrial (M-1) uses may be developed on properties zoned Agriculture Priority Two (AR-2) only by development agreement;

AND WHEREAS the Council of the ~~Municipality~~, at a meeting held on ~~April 12, 2016~~ Month Day, 2020 approved the request for amendment and adopted this amending Agreement by policy;

AND WHEREAS the following Schedules shall be attached to and form a part of this amending agreement:

- (a) Schedule A – Legal Description
- (b) Schedule B – Development Site

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1.0 DEFINITIONS

1.1 In this amending Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the ~~West Hants Municipality's~~ Land Use By-law, except those defined as follows:

~~"Home-Based Automobile Repair Shop"~~ means a commercial shop for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton); ~~done in conjunction with a single unit dwelling.~~

~~"Automobile Sales Establishment"~~ means a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling.

~~"Development Site"~~ means the area of the Property defined by the parallelogram of 400 ft by 200 ft which is shown on Schedule B to this amending Agreement.

"Visual Buffer" means a landscaped open space on which is situated one or more of the following, arranged in such a way as to form a dense or opaque visual screen:

- (a) a continuous row of evergreen trees or shrubs;
- (b) an opaque fence;
- (c) a berm.

2.0 GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1 The ~~DEVELOPER~~ Owners agree that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this **amending** Agreement.
- 2.2 All references in this **amending** Agreement to the "Land Use By-law" are to the Municipality of the District of West Hants Land Use By-law ~~(the "Land Use By-law")~~ or its successors.
- 2.3 Except as otherwise provided for herein, the development and use of the Property shall comply with the requirements of the Land Use By-law, as may be amended from time to time.
- 2.4 Nothing in this **amending** Agreement shall exempt or be taken to exempt the ~~DEVELOPER~~ Owners or any other person from complying with **Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder. the requirements of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation of the Province of Nova Scotia, and the DEVELOPER agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Property.**
- 2.5 Where the provisions of this **amending** Agreement conflict with those of any by-law of the **Municipality** applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.
- 2.6 The provisions of this **amending** Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.
- 2.7 Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender. All words appearing in this **amending** Agreement shall carry the meaning defined in the Land Use By-law, except those which may have a specific definition herein.
- 2.8 Where the written text of this **amending** Agreement conflicts with information provided in the Schedules attached to this **amending** Agreement, the written text of this **amending** Agreement shall prevail.
- 2.9 The Developer shall, upon written request, provide the **Municipality** with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

3.0 USE OF LAND AND BUILDINGS

- 3.1 The uses permitted on the Property shall be limited to:
~~(a) a home-based auto repair shop;~~
~~(b) a single-unit dwelling;~~
(a) those uses permitted by the underlying zoning in the Land Use By-law; and
(b) an automobile sales establishment, subject to the provisions of clause 3.2 and the other provisions of this Agreement; and
(c) uses and structures accessory to the uses specified in clause 3.1 (a) and (b), including, but not limited to, storage sheds and garages.
- 3.2 The ~~home-based auto repair shop~~ automobile sales establishment is permitted provided that:
(a) the dwelling is occupied as the principal residence of the operator of the ~~home-based auto repair shop~~ automobile sales establishment;
(b) the external appearance of the dwelling is not changed by the ~~home-based auto repair shop~~ automobile sales establishment;
(c) there are no more than four assistants employed in the ~~home-based auto repair shop~~ automobile sales establishment who are not residents in the dwelling;
(d) no signage shall be permitted other than one ground sign no larger than 10 ft² in area, and one fascia sign no larger than 10 ft² in area. No internal illumination of these signs shall be permitted. An indoor sign shall not be considered a sign for the purposes of this ~~amending~~ Agreement;
(e) open storage shall be limited to the rear yard of the existing two bay garage and screened from view of adjacent residential properties by a visual buffer;
(f) outdoor display of up to three (3) motor vehicles shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line;
(g) ~~(f)~~ the Development Officer may approve a change in hours of operation, provided that all other requirements of this ~~amending~~ Agreement and the Land Use By-law can be met; and
(h) ~~(g)~~ no ~~home-based auto repair shop~~ automobile sales establishment uses are permitted on the Property except on the Development Site; ~~and~~
- ~~3.3 — No other uses are permitted on the Property, except that any use permitted in the underlying zone shall be permitted, provided the requirements of the Land Use By-law and this Agreement can be satisfied, and where there is any conflict between the two, the more stringent requirements are to apply.~~

4.0 BUILDING LOCATION AND DESIGN

- ~~4.1 — Any residential or agricultural accessory building as outlined in section 3.1(c), shall meet all setback requirements as outlined in Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.~~
- ~~4.1~~ 4.2 Notwithstanding Section 3.2 (f), no structures or parking areas to be used for the ~~home-based auto repair shop~~ automobile sales establishment shall be permitted in the front yard, that is, the portion of the lot formed by a straight line running along

the front of the dwelling and extending on either side to the boundary of the Development Site.

- 4.2 Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.

- 4.3 Nothing in this amending Agreement shall prevent the enlargement, reconstruction, repair or renovation of any existing buildings on the Property provided all requirements of this amending Agreement can be met.

5.0 HOURS OF OPERATION

- 5.1 The hours of operation for the ~~home-based~~ automobile repair shop shall be limited to between 7:00 a.m. and 9:00 p.m. daily, Monday to Sunday, inclusive.

6.0 PARKING

- 6.1 A maximum of five (5) parking spaces shall be provided, other than that required by the dwelling, ~~,with each space having minimum dimensions of 10 by 20 feet.~~
- 6.2 The business parking spaces shall be screened from view of adjacent residential properties by a visual buffer.

7.0 LIGHTING AND STORAGE

- 7.1 Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

8.0 APPROVALS AND PERMITS

- 8.1 Prior to the operation of the business as outlined in section 3.1 (ab), the DEVELOPER Owners shall apply for and obtain all applicable permits.
- 8.2 The property is not serviced by municipal water and sewer. Any water supply, or septic disposal required for any of the uses described in Section 3 of this amending Agreement, shall be approved by the Department of Environment and installed at the expense of the Owners.

9.0 ~~10.0~~ MAINTENANCE

- 9.1 ~~10.1~~ The DEVELOPER Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.
- 9.2 ~~10.2~~ The DEVELOPER Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

10.0 ~~11.0~~ AMENDMENTS

- 10.1 ~~11.1~~ The Owners shall not vary or change the use of the Property from that provided for in Section 3 of this amending Agreement unless a new agreement is entered into with the Municipality or this amending Agreement is further amended.

10.2 The following non-substantive matter may be changed or altered with the written consent of Council without amendment to this amending Agreement or a public hearing provided that Council determines that the changes do not substantially alter the intent of this amending Agreement:

(a) any addition or removal of lands to the lot that does not make any alteration to the Development Site.

10.3 ~~11.2~~ Amendments to any matters not identified under Section ~~11.1~~ 10.1 are substantive and shall only be amended in accordance with the provisions of Section 230 of the Municipal Government Act.

~~11.0 12.0~~ COMMENCEMENT OF DEVELOPMENT

11.1 ~~12.1~~ Development as provided in Section 3.1 (ab) of this amending Agreement shall commence not later than twenty-four (24) months from the date this amending Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this amending Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the DEVELOPER Owners. Upon the written request of the DEVELOPER Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an further amendment to this amending Agreement.

11.2 ~~12.2~~ If the DEVELOPER Owners are bona fide delayed from commencing the development for reasons which are beyond the DEVELOPER's Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the DEVELOPER Owners is excused for the period of the delay and the time period for the DEVELOPER Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this amending Agreement.

~~12.0 13.0~~ DISCHARGE OF AGREEMENT

12.1 ~~13.1~~ Notice of Intent to Discharge this amending Agreement may be given by the Municipality to the DEVELOPER Owners following a resolution of Council to give such Notice:

(a) as provided for in Section ~~12.1~~ 11.1 of this amending Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the DEVELOPER Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the DEVELOPER Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

~~13.0 14.0~~ ADMINISTRATION AND ENFORCEMENT

13.1 ~~14.1~~ This amending Agreement shall be administered by the Development Officer for the Municipality.

~~13.2~~ ~~14.2~~ Enforcement of this ~~amending~~ Agreement shall be the responsibility of the Municipality.

14.0 ~~15.0~~ ONUS FOR COMPLIANCE ON DEVELOPER

~~14.1~~ ~~15.1~~ The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this ~~amending~~ Agreement and all other laws pertaining to the Development.

14.2 Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this ~~amending~~ Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this ~~amending~~ Agreement.

15.0 ~~16.0~~ REGISTRATION OF AGREEMENT

~~15.1~~ ~~16.1~~ This ~~amending~~ Agreement shall be registered as a Burden on the Registered Interests upon the Property, described as "Agreement re use of land".

16.0 ~~17.0~~ ASSIGNMENT OF AGREEMENT

~~16.1~~ ~~17.1~~ The ~~DEVELOPER~~ Owners may, at any time and from time to time, transfer or assign this ~~amending~~ Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this ~~amending~~ Agreement.

~~18.0~~ COSTS

~~18.1~~ The ~~DEVELOPER~~ shall pay all costs associated with the advertising required for this Agreement, the costs of registering this Agreement, and all costs associated with any amendment thereof.

17.0 ~~19.0~~ AGREEMENT AND PERMITS

~~17.1~~ ~~19.1~~ This ~~amending~~ Agreement shall not be entered into, ~~or signed by all parties,~~ until either the time for appeal under Section 247 of the Municipal Government Act has expired, or any appeals which have been lodged have been disposed of by the Nova Scotia Utility and Review Board.

~~17.2~~ ~~19.2~~ Neither a development permit nor a building permit shall be issued until this ~~amending~~ Agreement has been ~~executed by both parties and~~ registered at the Nova Scotia Land Registry ~~Office of Deeds~~.

18.0 ~~20.0~~ DEVELOPMENT AGREEMENT BOUND TO LAND

~~18.1~~ ~~20.1~~ This ~~amending~~ Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the land which is the subject of this ~~amending~~ Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act. It is acknowledged and agreed by the Owners that steps taken in the approval and registration of this Agreement by the Municipality of the District of West Hants or the

Region of Windsor and West Hants Municipality shall be treated as part of a single, continuous, lawful process of carrying out the steps required of the appropriate municipal entity for bringing into effect a development agreement under the Municipal Government Act, SNS 1998, c. 18 as amended, and accordingly that the approval process need not have been recommenced from the beginning upon the coming into existence of the Region of Windsor and West Hants Municipality.

19.0 ~~21.0~~ BREACH OF TERMS OR CONDITIONS

~~19.1 21.1~~ ~~The Municipality,~~ Upon breach of any term or condition of this ~~amending~~ Agreement, the ~~Municipality~~ may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the ~~Municipality~~ related to such breach to the ~~Municipality's~~ satisfaction, acting reasonably, within six (6) months of such notice then the ~~Municipality~~ may rely upon the remedies contained in Section 264 of the Municipal Government Act and may, ~~if thirty (30) days' notice in writing has been provided to the DEVELOPER Owners,~~ enter the land and perform any of the terms contained in the ~~is development-amending~~ Agreement, or take such remedial action as is considered necessary to correct a breach of the ~~is amending~~ Agreement, including the removal or destruction of anything that contravenes the terms of the ~~is amending~~ Agreement and including decommissioning the site. It is agreed that all reasonable expenses, including costs on a solicitor and client basis, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the ~~is amending Development~~ Agreement.

20.0 ~~22.0~~ WRITTEN NOTICE

~~20.1 22.1~~ The ~~Municipality~~ may serve notice on the ~~DEVELOPER Owners~~ personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to James and Michelle Maynard, 741 McKay Road, PO Box 110, Newport, BON 2A0, or at any other address provided by the ~~DEVELOPER Owners~~.

~~20.2 22.2~~ The ~~DEVELOPER Owners~~ may serve notice on the ~~Municipality~~ by registered mail addressed to the Chief Administrative Officer at the principal business premises of the Municipality as shown on its website from time to time. ~~, Municipality of the District of West Hants, 76 Morison Drive, P.O. Box 3000, Windsor, NS, BON 2T0.~~

~~23.0 TIME~~

~~23.1~~ Time shall be of the essence in this Agreement.

21.0 ~~23.0~~ FULL AGREEMENT

~~21.1 23.1~~ This amending Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

**PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS**

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that the **REGION OF WINDSOR AND WEST HANTS MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **JAMES and MICHELLE MAYNARD**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK, REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, _____, of Windsor, in the County of Hants, Province of Nova Scotia make oath and swear that:

1. I am the Clerk of the Region of Windsor and West Hants Municipality (the "Municipality") and have personal knowledge of the matters herein deposed to.
2. The Municipality is a body corporate pursuant to the *Municipality Government Act*, S.N.S., 1998, c. 18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in the regard on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended. This acknowledgement is made pursuant to s. 79(1)(a) of the *Land Registration Act*, S.N.S. 2001, c. 6, as amended for the purpose of registering or recording the Instrument.
4. The Municipality is a resident of Canada for the purposes of the *Income Tax Act* (Canada).

SWORN TO at _____, in the County of
Hants, Province of Nova Scotia this _____
day of _____, 2020, before me:

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

_____, Clerk

I CERTIFY that on this date,
the foregoing Affidavit.

_____ personally came before me and swore under oath

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (SPOUSES)

We, James and Michelle Maynard, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to Section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

JAMES MAYNARD

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MICHELLE MAYNARD

Schedule A

Place Name: MCKAY ROAD MCKAY SECTION

Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY

Designation of Parcel on Plan: LOT AB-1

Title of Plan: PLAN OF S/D OF LANDS OF HUGH HARRY, SHARON PATRICIA, HUGH MICHAEL & KIMBERLEY L MAYNARD TO FORM AB-1, LOT HM-1 & REMAINDER LOT C-1, MCKAY RD, MCKAY SECTION

Registration County: HANTS COUNTY

Registration Number of Plan: 89116371

Registration Date of Plan: 2007-10-23 11:33:37

SUBJECT TO the Agreement re Use of Land (burden) created by the instrument recorded in the Land Registration Office for Hants County, Nova Scotia as Document 109062613 on June 8, 2016.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

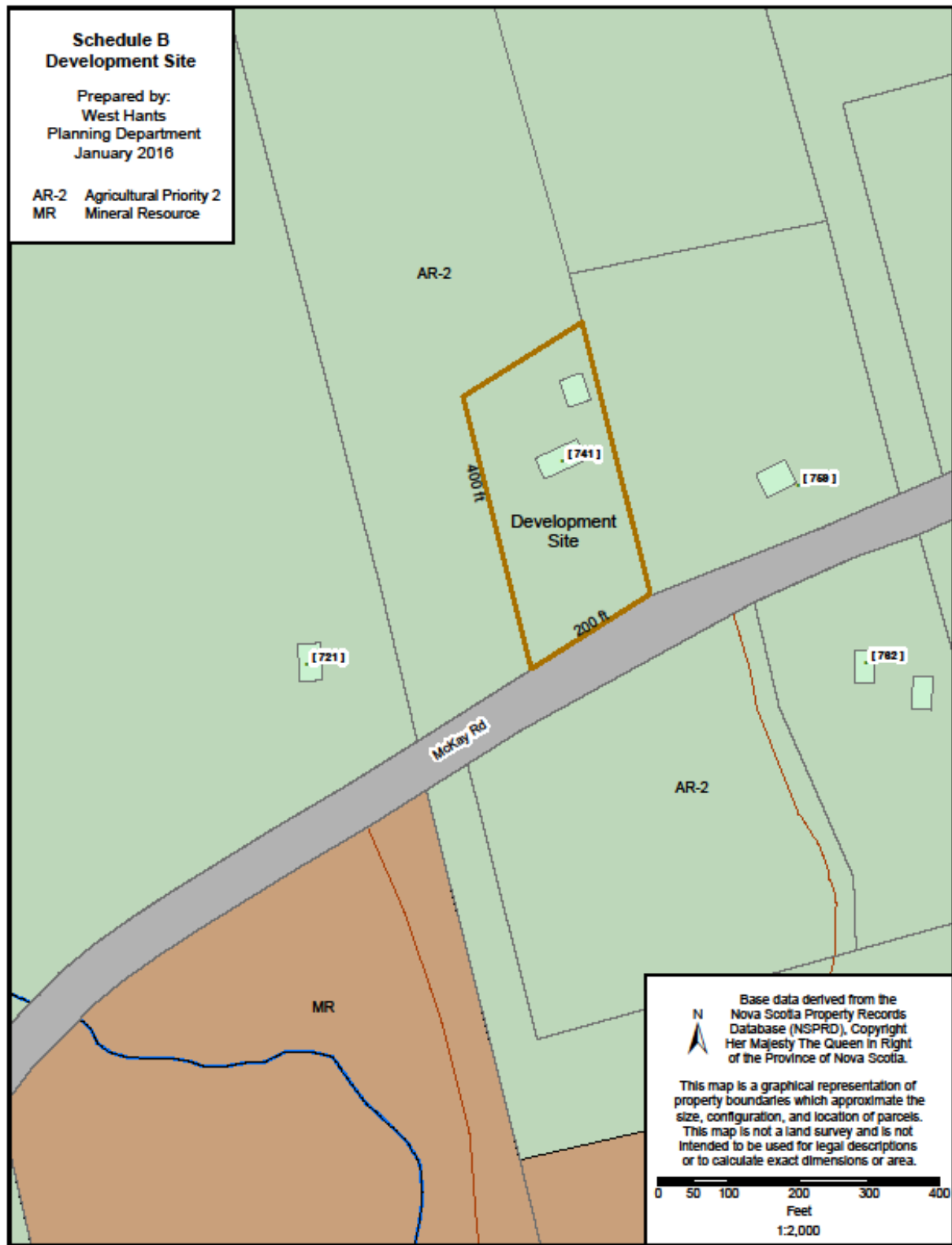
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2007

Plan or Document Number: 89116371

Schedule B



DEVELOPMENT AGREEMENT

AND WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2020 approved the request for amendment and adopted this amending Agreement by policy;

AND WHEREAS the following Schedules shall be attached to and form a part of this amending agreement:

- (a) Schedule A – Legal Description
- (b) Schedule B – Development Site

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1.0 DEFINITIONS

- 1.1** In this amending Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the West Hants Land Use By-law, except those defined as follows:

“Automobile Repair Shop” means a commercial shop for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

“Automobile Sales Establishment” means a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling.

“Development Site” means the area of the Property defined by the parallelogram of 400 ft by 200 ft which is shown on Schedule B to this amending Agreement.

“Visual Buffer” means a landscaped open space on which is situated one or more of the following, arranged in such a way as to form a dense or opaque visual screen:

- (a) a continuous row of evergreen trees or shrubs;
- (b) an opaque fence;
- (c) a berm.

2.0 GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1** The Owners agree that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this amending Agreement.
- 2.2** All references in this amending Agreement to the “Land Use By-law” are to the Municipality of the District of West Hants Land Use By-law or its successors.
- 2.3** Except as otherwise provided for herein, the development and use of the Property shall comply with the requirements of the Land Use By-law, as may be amended from time to time.
- 2.4** Nothing in this amending Agreement shall exempt or be taken to exempt the Owners or any other person from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

- 2.5 Where the provisions of this amending Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.
- 2.6 The provisions of this amending Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.
- 2.7 Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender. All words appearing in this amending Agreement shall carry the meaning defined in the Land Use By-law, except those which may have a specific definition herein.
- 2.8 Where the written text of this amending Agreement conflicts with information provided in the Schedules attached to this amending Agreement, the written text of this amending Agreement shall prevail.
- 2.9 The Developer shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

3.0 USE OF LAND AND BUILDINGS

- 3.1 The uses permitted on the Property shall be limited to:
- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (b) an automobile sales establishment, subject to the provisions of clause 3.2 and the other provisions of this Agreement; and
 - (c) uses and structures accessory to the uses specified in clause 3.1 (a) and (b), including, but not limited to, storage sheds and garages.
- 3.2 The automobile sales establishment is permitted provided that:
- (a) the dwelling is occupied as the principal residence of the operator of the automobile sales establishment;
 - (b) the external appearance of the dwelling is not changed by the automobile sales establishment;
 - (c) there are no more than four assistants employed in the automobile sales establishment who are not residents in the dwelling;
 - (d) no signage shall be permitted other than one ground sign no larger than 10 ft² in area, and one fascia sign no larger than 10 ft² in area. No internal illumination of these signs shall be permitted. An indoor sign shall not be considered a sign for the purposes of this amending Agreement;
 - (e) open storage shall be limited to the rear yard of the existing two bay garage and screened from view of adjacent residential properties by a visual buffer;
 - (f) outdoor display of up to three (3) motor vehicles shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line;
 - (g) the Development Officer may approve a change in hours of operation, provided that all other requirements of this amending Agreement and the Land Use By-law can be met; and

(h) no automobile sales establishment uses are permitted on the Property except on the Development Site.

4.0 BUILDING LOCATION AND DESIGN

- 4.1 Notwithstanding Section 3.2 (f), no structures or parking areas to be used for the automobile sales establishment shall be permitted in the front yard, that is, the portion of the lot formed by a straight line running along the front of the dwelling and extending on either side to the boundary of the Development Site.
- 4.2 Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.
- 4.3 Nothing in this amending Agreement shall prevent the enlargement, reconstruction, repair or renovation of any existing buildings on the Property provided all requirements of this amending Agreement can be met.

5.0 HOURS OF OPERATION

- 5.1 The hours of operation for the automobile repair shop shall be limited to between 7:00 a.m. and 9:00 p.m. daily, Monday to Sunday, inclusive.

6.0 PARKING

- 6.1 A maximum of five (5) parking spaces shall be provided, other than that required by the dwelling.
- 6.2 The business parking spaces shall be screened from view of adjacent residential properties by a visual buffer.

7.0 LIGHTING AND STORAGE

- 7.1 Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

8.0 APPROVALS AND PERMITS

- 8.1 Prior to the operation of the business as outlined in section 3.1 (b), the Owners shall apply for and obtain all applicable permits.
- 8.2 The property is not serviced by municipal water and sewer. Any water supply, or septic disposal required for any of the uses described in Section 3 of this amending Agreement, shall be approved by the Department of Environment and installed at the expense of the Owners.

9.0 MAINTENANCE

- 9.1 The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

- 9.2 The Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

10.0 AMENDMENTS

- 10.1 The Owners shall not vary or change the use of the Property from that provided for in Section 3 of this amending Agreement unless a new agreement is entered into with the Municipality or this amending Agreement is further amended.
- 10.2 The following non-substantive matter may be changed or altered with the written consent of Council without a public hearing provided that Council determines that the changes do not substantially alter the intent of this amending Agreement:
- (a) any addition or removal of lands to the lot that does not alter the Development Site.
- 10.3 Amendments to any matters not identified under Section 10.1 are substantive and shall only be amended in accordance with the provisions of Section 230 of the Municipal Government Act.

11.0 COMMENCEMENT OF DEVELOPMENT

- 11.1 Development as provided in Section 3.1 (b) of this amending Agreement shall commence not later than twenty-four (24) months from the date this amending Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this amending Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be a further amendment to this amending Agreement.
- 11.2 If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be a further amendment to this amending Agreement.

12.0 DISCHARGE OF AGREEMENT

- 12.1 Notice of Intent to Discharge this amending Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:
- (a) as provided for in Section 11.1 of this amending Agreement; or
 - (b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

13.0 ADMINISTRATION AND ENFORCEMENT

- 13.1 This amending Agreement shall be administered by the Development Officer for the Municipality.
- 13.2 Enforcement of this amending Agreement shall be the responsibility of the Municipality.

14.0 ONUS FOR COMPLIANCE ON DEVELOPER

- 14.1 The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this amending Agreement and all other laws pertaining to the Development.
- 14.2 Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this amending Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this amending Agreement.

15.0 REGISTRATION OF AGREEMENT

- 15.1 This amending Agreement shall be registered as a Burden on the Registered Interests upon the Property, described as "Agreement re use of land".

16.0 ASSIGNMENT OF AGREEMENT

- 16.1 The Owners may, at any time and from time to time, transfer or assign this amending Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this amending Agreement.

17.0 AGREEMENT AND PERMITS

- 17.1 This amending Agreement shall not be entered into until either the time for appeal under Section 247 of the Municipal Government Act has expired, or any appeals which have been lodged have been disposed of by the Nova Scotia Utility and Review Board.
- 17.2 Neither a development permit nor a building permit shall be issued until this amending Agreement has been registered at the Nova Scotia Land Registry Office.

18.0 DEVELOPMENT AGREEMENT BOUND TO LAND

- 18.1 This amending Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the land which is the subject of this amending Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act. It is acknowledged and agreed by the Owners that steps taken in the approval and

registration of this Agreement by the Municipality of the District of West Hants or the Region of Windsor and West Hants Municipality shall be treated as part of a single, continuous, lawful process of carrying out the steps required of the appropriate municipal entity for bringing into effect a development agreement under the Municipal Government Act, SNS 1998, c. 18 as amended, and accordingly that the approval process need not have been recommenced from the beginning upon the coming into existence of the Region of Windsor and West Hants Municipality.

19.0 BREACH OF TERMS OR CONDITIONS

- 19.1 Upon breach of any term or condition of this amending Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the Municipal Government Act and may enter the land and perform any of the terms contained in this amending Agreement, or take such remedial action as is considered necessary to correct a breach of this amending Agreement, including the removal or destruction of anything that contravenes the terms of this amending Agreement and including decommissioning the site. It is agreed that all reasonable expenses, including costs on a solicitor and client basis, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of this amending Agreement.

20.0 WRITTEN NOTICE

- 20.1 The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to James and Michelle Maynard, 741 McKay Road, PO Box 110, Newport, BON 2A0, or at any other address provided by the Owners.
- 20.2 The Owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer at the principal business premises of the Municipality as shown on its website from time to time.

21.0 FULL AGREEMENT

- 21.1 This amending Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **REGION OF WINDSOR AND WEST HANTS MUNICIPALITY**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HANTS

ON THIS day of , A.D. 2020, before me, the subscriber, personally came and appeared , a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **JAMES and MICHELLE MAYNARD**, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed in h presence.

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF CLERK, REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, _____, of Windsor, in the County of Hants, Province of Nova Scotia make oath and swear that:

1. I am the Clerk of the **Region of Windsor and West Hants Municipality** (the "Municipality") and have personal knowledge of the matters herein deposed to.
2. The Municipality is a body corporate pursuant to the *Municipality Government Act*, S.N.S., 1998, c. 18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in the regard on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended. This acknowledgement is made pursuant to s. 79(1)(a) of the *Land Registration Act*, S.N.S. 2001, c. 6, as amended for the purpose of registering or recording the Instrument.
4. The Municipality is a resident of Canada for the purposes of the *Income Tax Act* (Canada).

SWORN TO at _____, in the County of
Hants, Province of Nova Scotia this _____
day of _____, 2020, before me:

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

_____, Clerk

I CERTIFY that on this date,
the foregoing Affidavit.

_____ personally came before me and swore under oath

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (SPOUSES)

We, James and Michelle Maynard, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to Section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

JAMES MAYNARD

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MICHELLE MAYNARD

Schedule A

Place Name: MCKAY ROAD MCKAY SECTION

Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY

Designation of Parcel on Plan: LOT AB-1

Title of Plan: PLAN OF S/D OF LANDS OF HUGH HARRY, SHARON PATRICIA, HUGH MICHAEL & KIMBERLEY L MAYNARD TO FORM AB-1, LOT HM-1 & REMAINDER LOT C-1, MCKAY RD, MCKAY SECTION

Registration County: HANTS COUNTY

Registration Number of Plan: 89116371

Registration Date of Plan: 2007-10-23 11:33:37

SUBJECT TO the Agreement re Use of Land (burden) created by the instrument recorded in the Land Registration Office for Hants County, Nova Scotia as Document 109062613 on June 8, 2016.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

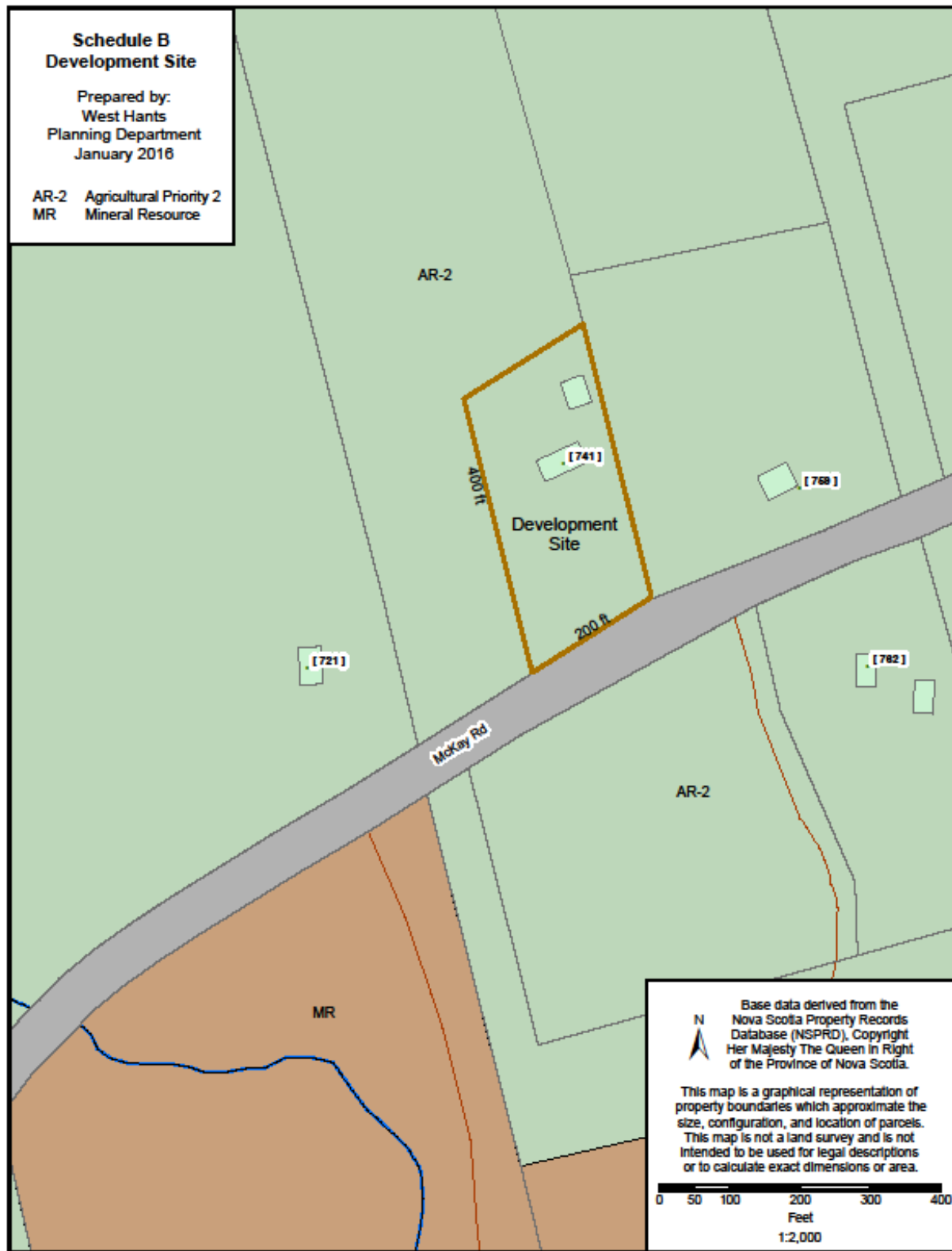
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2007

Plan or Document Number: 89116371

Schedule B





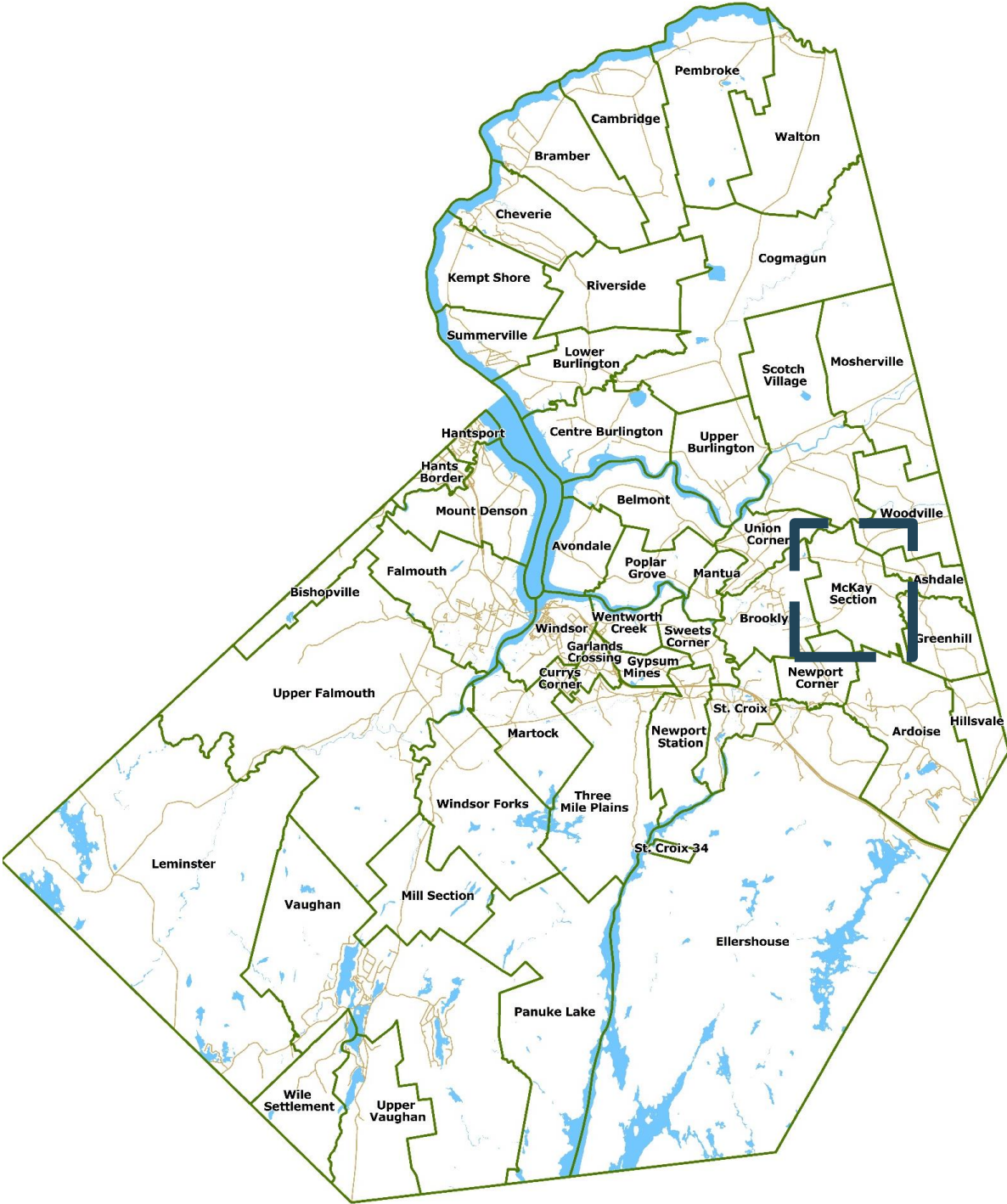


**Development Agreement Amendment:
741 McKay Road, McKay Section; PID 45372224
Public Hearing
May 26, 2020**

Background

- ▶ Received an application from James and Michelle Maynard to amend their development agreement which allows a home-based auto repair shop (June 8, 2016)
- ▶ Request to expand the uses permitted by the development agreement to include vehicle sales and vehicle accessory sales

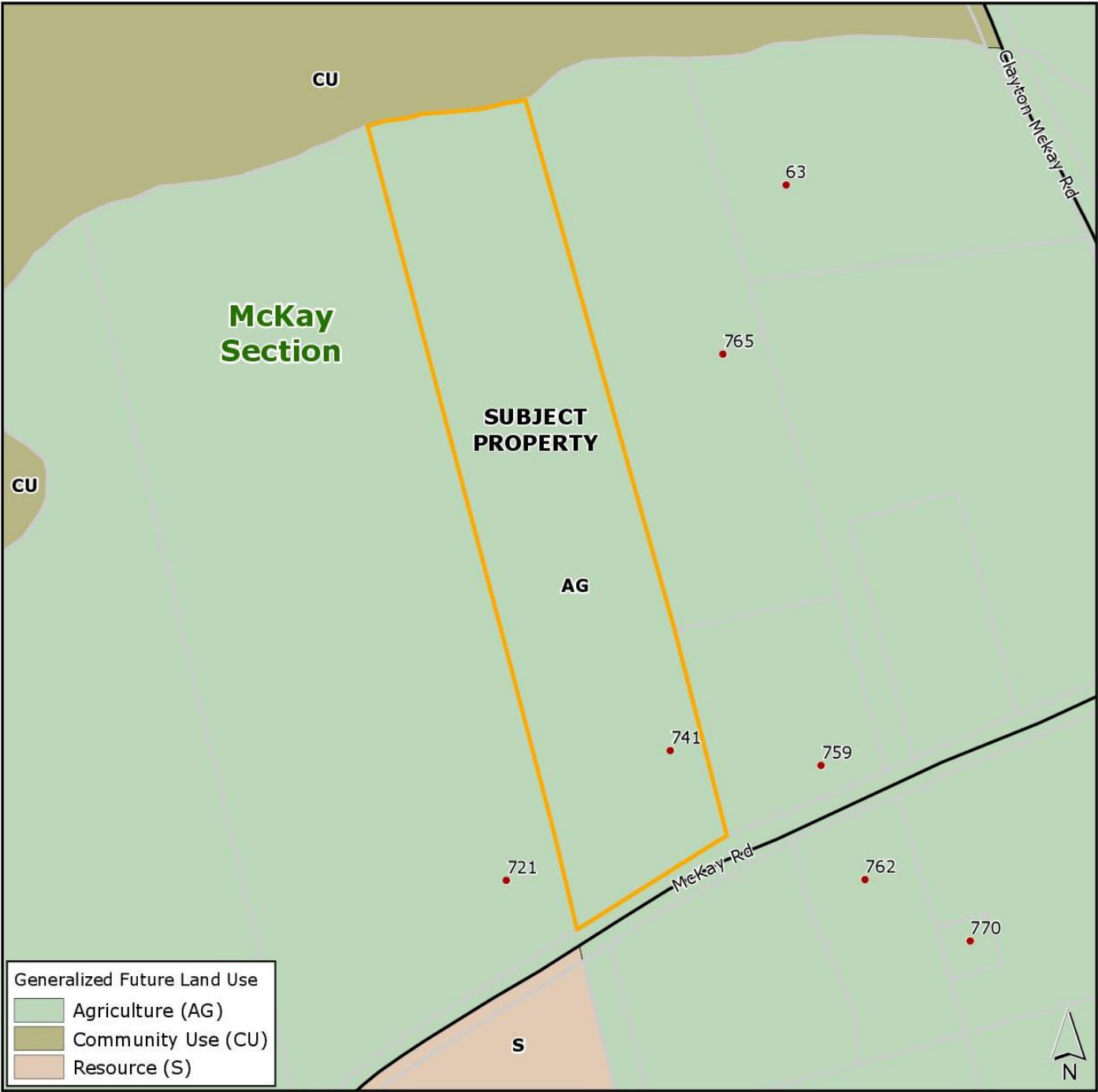
Context Map



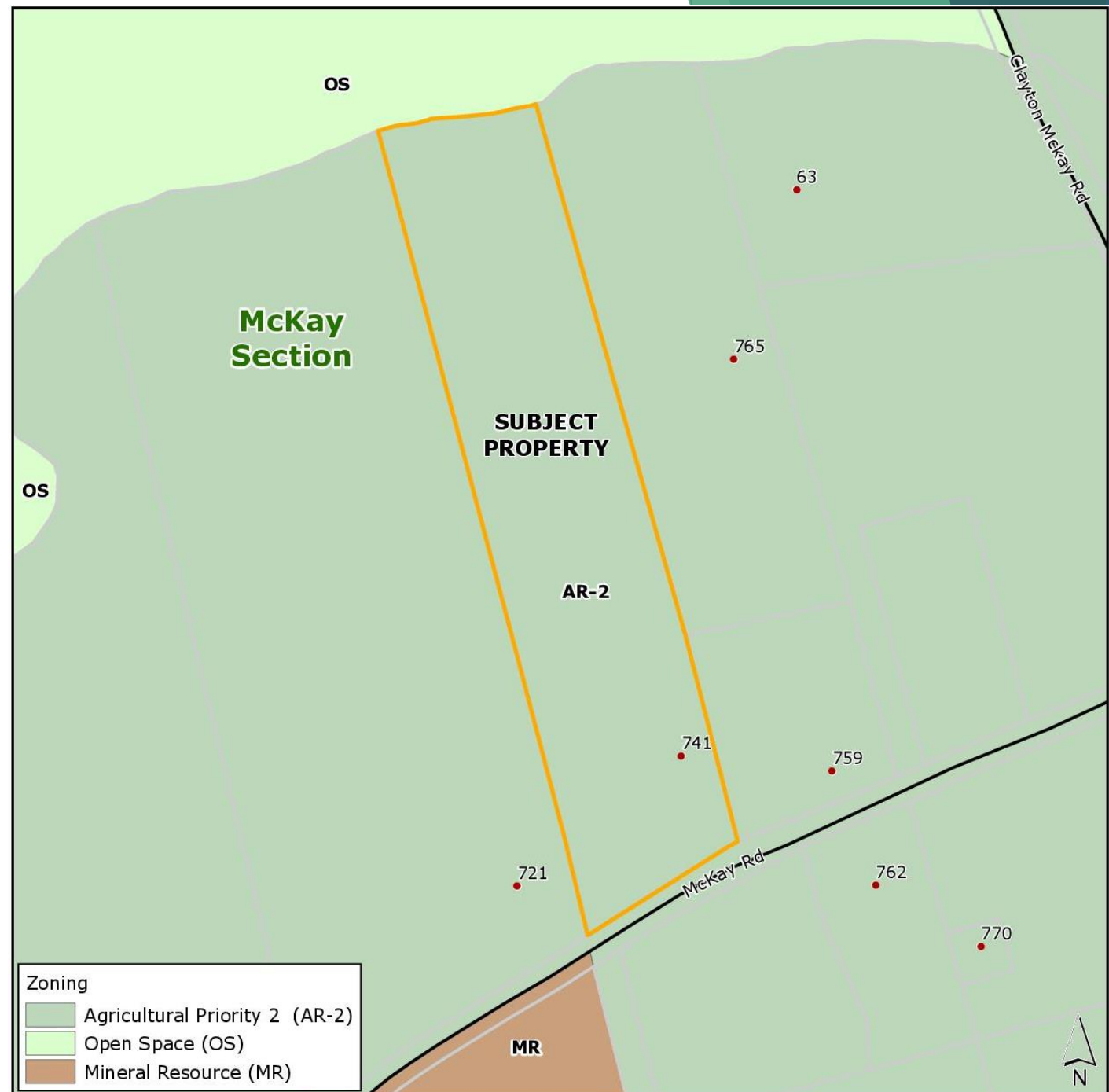
Orthographic Photo



Generalized Future Land Use



Zoning



Document Review

- ▶ Part 8 of the WHMPS contains the overall intention for the Agriculture areas in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) Zone
- ▶ **Policy 8.9.4** states that *"it shall be the intention of Council to **consider new non-resource** Rural Commercial (RC), Recreation Commercial (RecC), **Resource Industrial (M-1)** or Open Space (OS) **uses in the AR-2 zone by development agreement.**"*

Document Review Cont.

- ▶ Section 6.1 of the WHLUB, *Development Agreements*, states that
- ▶ *"The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy: ...*
 - ▶ *(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;*

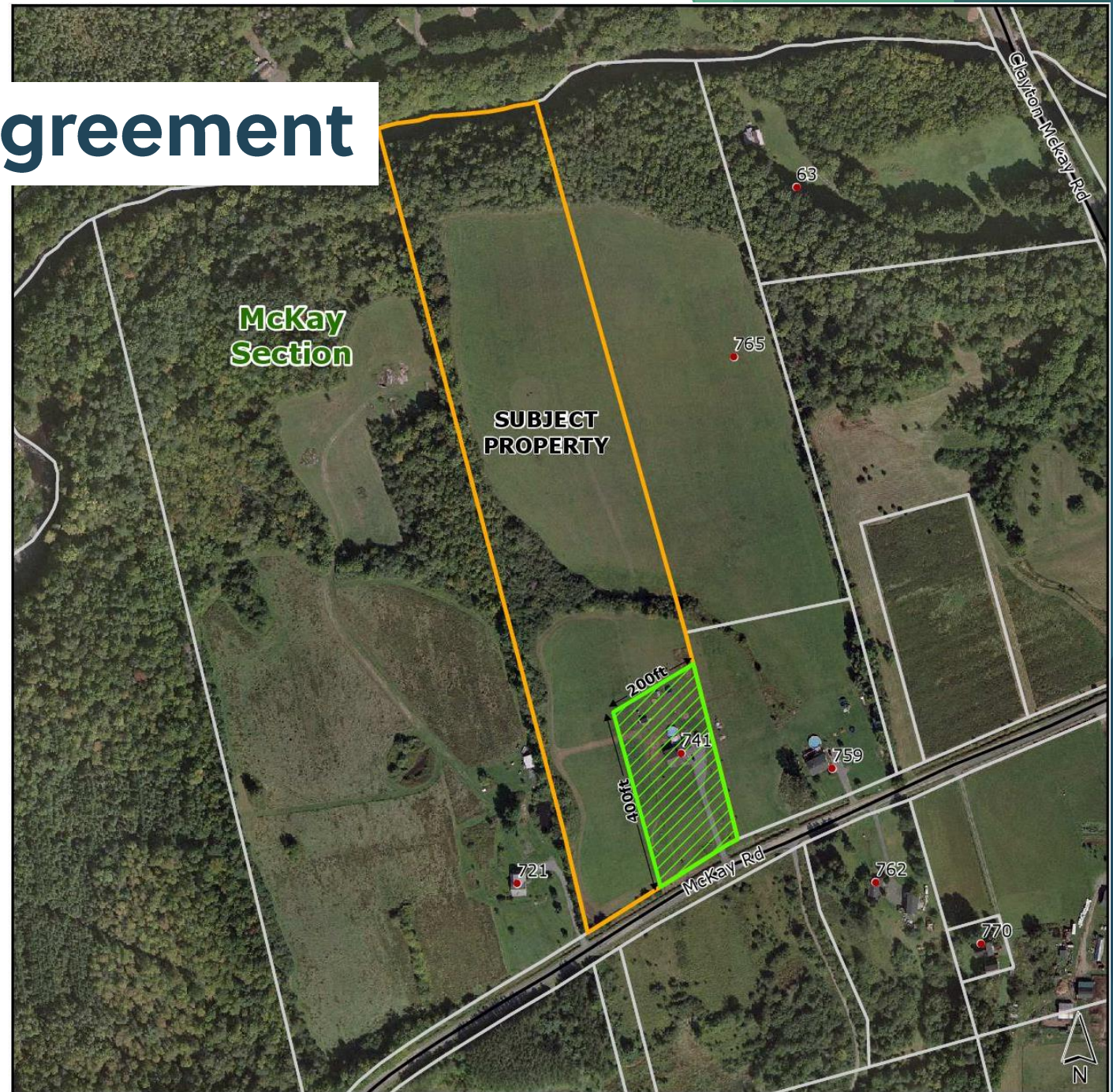
Document Review Cont.

Resource Industrial (M-1) Zone

- ▶ Lists one dwelling unit in conjunction with a permitted Industrial use and lists *"any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment"* as a permitted use

2016 Development Agreement

- ▶ Allows a home-based auto repair shop
 - ▶ *"a commercial shop for the general repair, rebuilding, and reconditioning of automobiles and light trucks (up to one ton), done in conjunction with a single unit dwelling"*
- ▶ Limited to a 400 ft x 200 ft development site
- ▶ Hours of operation 7 a.m. to 9 p.m., Monday to Sunday



Development Agreement *Proposal*

- ▶ Request to display one to three used vehicles and vehicle accessories as an extra service for customers and to draw new customers into the business

Development Agreement

Proposed Amendments

- ▶ Amend definition of the permitted use to an automobile sales establishment
 - ▶ *"a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling."*
- ▶ Allow outdoor display of up to three (3) vehicles
 - ▶ Required to be a minimum of 25 ft from the front lot line

Specific Criteria

- ▶ **Policy 8.9.4** of the WHMPS establish Councils intention to consider new Resource Industrial (M-1) uses by development agreement
- ▶ In summary, the criteria are met since:
 - ✓ the agrologist report (2016) determined that the development site would have little or no agricultural capability;
 - ✓ the DTIR has advised that existing access is acceptable for the proposed additional commercial uses;
 - ✓ the development will not adversely affect adjacent land uses; and
 - ✓ adequate separation distances will be provided.

General Criteria

- ▶ ***Policy 16.3.1*** states general criteria for any development agreements considered in West Hants
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and DTIR have no concerns.

Conclusion

- ▶ Proposed development agreement amendment is considered within the context of both specific and general WHMPS policies
- ▶ Consistent with the intent, objectives and policies of WHMPS
- ▶ The automotive uses are permitted in the Resource Industrial (M-1) Zone
- ▶ Reasonable to enter into an amended development agreement for this use

Additional Request

- ▶ April 29th - change the provision 3.2 (f) in the amending development agreement from
 - ▶ *“outdoor display of **up to three (3) motor vehicles** shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line”*
- ▶ to
 - ▶ *“outdoor display of **five (5) to ten (10) motor vehicles** shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line”*

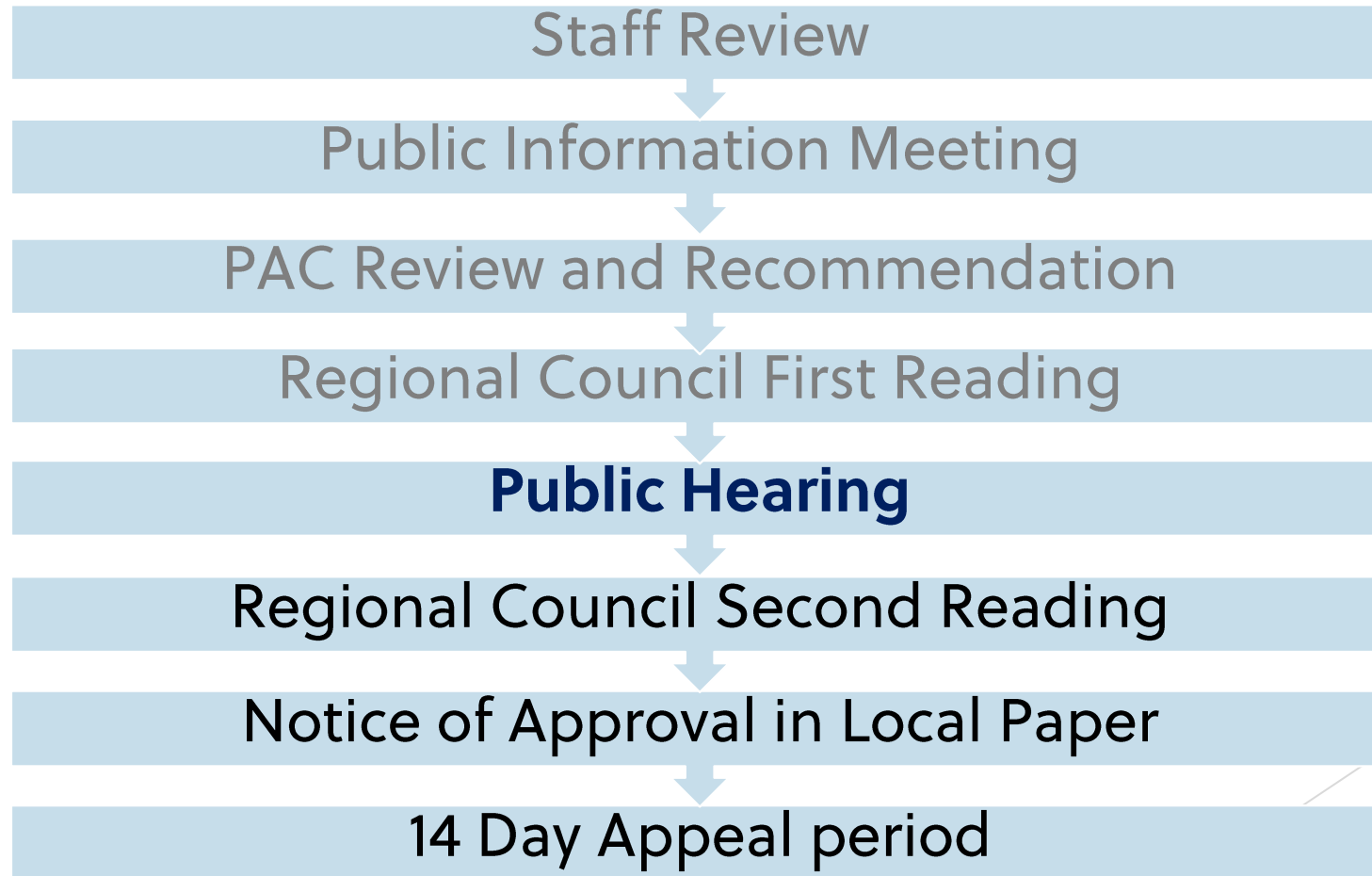
Additional Request Cont.

- ▶ *Section 10.0 Amendments* of the development agreement outlines items that are considered non-substantive matters
- ▶ The only non-substantive amendment is
 - ▶ *“(a) any addition or removal of lands to the lot that does not alter the Development Site.”*
- ▶ This April 29th request would be considered a substantive amendment

Process

Notices were placed in the newspaper & properties within 500' were notified of the Public Hearing

All statutory requirements have been met







WEST HANTS REGIONAL MUNICIPALITY
Mayor's Report

To: **West Hants Regional Municipality Council**

Submitted by: **Mayor Zebian**

Date: **May 28, 2020**

The last month has mainly seen me in the Municipality, discussing and answering questions with residents and businesses. The topics have varied from internet connectivity, business help, Federal and Provincial programs, COVID-19 questions, among others. It's important for Council to support business in anyway we can as our options are limited. Council's decision for waiving the sidewalk café fees for this year was a perfect example. I'm confident we will see more as we work our way through the budget process. Our residents are also very happy that our parks and trails are open. It's great to see so many out and taking advantage of all our facilities.

I've spent a lot of time this past month speaking to representatives from DFO, TIR, local state holders, and residents about the causeway and the twinning of Highway 101. It's great that people are interested and engaged and that all are willing to work together for the greater good of the Municipality.

I've been sitting in on the weekly NSFM video meetings. Many issues are being addressed weekly with the latest being the fall municipal elections and restarting the economy. We are fortunate to have had our election early this year but it's important we remain united with our Municipal family to advocate what is best for the whole.

We have begun the budget process and I'm very encouraged with the fairness of the budget. Something for all areas in our Municipality and it's important Council maintains this precedent.

I'd like to recognize staff at this time. It's been very challenging to work during COVID-19. Most of our staff have been working remotely, with very few in the physical office. The level of service to our residents has been outstanding. Issues have been dealt with promptly, concerns have been addressed promptly, and smiles are always very prominent. I'd like to thank all of our staff and the professionalism they bring on a daily business.

Also a huge thank you to all our residents for being caring and helpful during these hard times. Ashley Connors raising over \$9000 with the NS Strong decals, Darren Porter giving away free fish, and many residents picking up trash along our roads and highways. You're all the best!

Stay strong and things should be opening up in the next few weeks.



Committee of the Whole Excerpts
May 12, 2020

Branding for the Region

The attached report from Committee of the Whole outlined the process for creating a new brand for WHRM. The discussion points at Committee of the Whole were:

- As most of the research has already been done, Phase 1 of the branding could be done within approximately 6 months.
- There could be ways to incorporate the WTBA branding while remaining independent from them, this may depend on the vendor obtained through the procurement process for the branding.
- The recruitment process for committee members is still to be determined but would include a public call for members and considerations of the sector and diversity principles of the membership.
- No study has been done on the cost of a full implementation of the brand, but it could be phased in over time and some costs may be capital items.

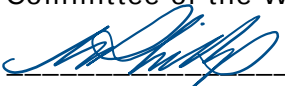
The recommended motion was:

... that Council adopts and approves the process as outlined in the "Municipal Seal and Process for Community Branding" report, including the principles listed for Phase 1 of the West Hants Regional Municipality's Community Branding Project.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by:  
Mark Phillips, Chief Administrative Officer
Shelleena Thornton, Administrative Supervisor

Date: May 12, 2020

Subject: Municipal Seal and Process for Community Branding

LEGISLATION

Nova Scotia Municipal Government Act

Perpetual succession and seal

Section 13(1) A municipality has perpetual succession and shall have a common seal.

Business and industrial development

57 (1) A municipality may

(d) prepare and disseminate information about the municipality or any part of the municipality and the surrounding areas for the assistance of institutions, industries and businesses intending to locate or expand in the municipality or the surrounding area.

Flag, symbol or coat-of-arms

62 (1) The council may, by policy, adopt a flag, symbol or coat of arms for the municipality.

(2) A flag, symbol or coat of arms adopted pursuant to this Section may be registered pursuant to an Act of Parliament in order to prevent its unauthorized use.

(3) No person, other than the municipality, shall use a flag, symbol or coat of arms of the municipality unless specifically authorized by the council and upon payment of any fee charged by the municipality for the use

Power to expend money

65 The council shall adopt an operating budget and a capital budget for each fiscal year.

RECOMMENDATION

...that Committee of the Whole recommends to Council

that Council adopts and approves the process as outlined in the “Municipal Seal and Process for Community Branding” report, including the principles listed for Phase 1 of the West Hants Regional Municipality’s Community Branding Project.

BACKGROUND

The former Town of Windsor underwent a branding exercise approximately 24 years ago for the Birthplace of Hockey and Little Town of Big Firsts brands/slogans. In 2012 the former West Hants Chamber of Commerce (now Avon Chamber of Commerce) underwent a regional branding exercise that resulted in the tourism community and Town of Windsor also adopting the Avon Land of Plenty brand for regional tourism while also preserving its two former brands. The Town of Windsor had an official crest insignia adopted in 1953 that would be used on all official documentation (formal and legal). The former Town also used the Birthplace of Hockey logo for marketing and promotional (informal) materials.

In 2016, the former Municipality of the District of West Hants underwent a branding project which included the adoption of their logos and the West Hants branding story. The “Lady Slipper” symbol of West Hants was the official symbol of the Municipality to be used in an official capacity by the Municipal Clerk and Council but the marketing logo, the “Wave” was the marketing symbol of West Hants on the website, social media, advertising and signage.

DISCUSSION

April 28, 2020 Council meeting – Council approved the Region of Windsor and West Hants Municipality name be changed to West Hants Regional Municipality.

March 23, 2020 Co-ordinating Committee Meeting – the Co-ordinating Committee adopted the “Region of Windsor and West Hants Municipality” seal.

Seal – a device that leaves a detailed impression of either an image with entity name or just the entity name for authenticating official municipal documents (agreements, deeds, tax certificates, by-laws, etc). The present seal is that of the current legal name of the municipality, Region of Windsor and West Hants Municipality. This will require changing once the new name gets legalized and would require council approval. Should council opt to include the image in the seal following branding, it too would require council approval come that time.

Further, a process has been adopted including a 13-step process for community or place branding developed and promoted by Roger Brooks of Destination Development International which outlines very specific principles and practices for success.

Specific benefits/reasons to buy into this method:

1. This method maintains a balance between the use of in-house and external resources. Overall control of the project remains at a local level and professional; external support will provide stability and ensure objectivity throughout the process.
2. It allows for and requires engagement at a committee level and will gather input for evaluation from both local and outside perspectives.
3. The process and expertise of Roger Brooks and Destination Development International are recognized throughout Canada and the US as leaders in

community and place branding. Brooks has been used across Nova Scotia for secret shopping assessments and community evaluations. He is recognized by Tourism Industry Association Nova Scotia (TIANS) and Tourism Nova Scotia (TNS) as a valuable resource and consultant in the fields of Tourism and Economic Development.

Phase one, (developing the "Brand Direction") will take the Brand Development Team through steps 1-5 using Roger Brooks' recommended model. At the end of the first phase, the Brand Direction will have been identified; the steps have been outlined below.

Phase 1: Developing the Brand Direction (Brand Development Phase)

Step 1- Creating the Brand Development Committee (BDC)

The committee will be made up of no more than 13 people and will include representatives from the following groups/sectors:

- Tourism (1)
- Business Sector Representatives (4)
- Elected Municipal Official (1)
- Chief Administrative Officer (1)
- Planning and Development Representative (1)
- Community Development Representatives (2)
- Cultural and Heritage Representatives (3)

A recruitment document will be created to provide guidelines for committee member selection and will be distributed to the groups/sectors requiring representation on the committee.

Step 2 – Education

The committee, along with facilitation support from an outside third party will educate local stakeholders on "what a brand is" and why the process as outlined is important to follow.

Step 3 - Identify the Markets

The Committee will identify the markets our community is hoping to attract. Markets will include tourism and business (jobs). This step will involve gathering input from the public, both local and outsiders through revisiting recent studies and perhaps open houses, workshops and surveys. This step will ensure widespread awareness that the Regional Municipality community is participating in a branding, and that as many people as possible know how and where there are opportunities to provide input.

Step 4 - Go through the Filtering Process

The committee will then filter the items collected by grouping like items, and then running all items through a ten-point feasibility test. After this step, niche and sub brands will have been identified and a clear Brand Direction will have emerged.

Step 5 - Create the Brand Leadership Team

Once the Brand direction has been identified by the BDC, the Brand Leadership Team (BLT) will be created. The BLT will lead Phase 2, steps 6-13 of the process. Some of the same members from the original committee may remain, some may not. The BLT will

be the group to push the Brand forward (they will champion it), and come up with ideas around how to reinforce the Brand Direction through product development, infrastructure support etc. This group will be made up of members from areas including not for profit and community organizations, the business sector, non-government agencies, and community members. This group will be the group that will "hit the streets" and deliver the brand. This will also be the team that will work on creating the look and feel of the brand (logo, tagline, etc).

It is important to recognize that at the end of Phase 1, the BDC will have identified the Brand Direction. Phase 2 will see the development of a logo and tagline. The goal of Phase 1 is to determine the direction West Hants Regional Municipality will go in terms of *feel*, *identity* and *vision*. The logo and tagline will be by-products of the "Brand Development Phase". Creative development of a logo and tagline will occur during Phase 2.

During Phase 1, specific principles will be adhered to ensure best practices are followed throughout the process of developing the Brand Direction.

Phase 1 Principles

1. The Brand Development Committee during Phase 1 will develop a Brand Direction for West Hants Regional Municipality.
2. The Branding Development Committee will be made up of representatives from the group outlined above; with the business sectors having the largest collective representation.
3. The project of Branding West Hants Regional Municipality will not be a government led process.
4. The process will be carried out using both in-house resources and third-party support.
5. We will confirm that consultations with the public were thorough and conducted with regional municipality residents, businesses, and visitors. If required, additional consultation will take place.
6. It is recognized that the business sector will play a significant role in "delivering" the brand during and after phase 2.

NEXT STEPS

Staff would issue a Public Tender and progress with the necessary steps in-compliance with the Municipality's Procurement and Tendering Policy to engage a consultant.

Seal – The tender process will include the creation of a Municipal seal for which options will be created for council's consideration and approval.

Policy Implications - Future policies will be influenced by the outcome of the Branding Project. Once the brand has been created, an action plan will be developed, which will include both in-house action items and items to be owned by other sectors including business and tourism. Action items may include recommended changes to policy around marketing etc. A "brand standards" guide will be created as part of phase 2.

FINANCIAL IMPLICATIONS

Estimated cost is \$60,000

This expense is offset by post-consolidated funding by the Province. This would be funded through the consolidation reserve.

ALTERNATIVES

- Council could choose to not adopt the process and ask staff to further research and report back.

OTHER SUPPORTING DOCUMENTS

- RAD Consulting - Community Engagement Report (current)
- Windsor Business Enhancement Society Branding Project (2020)
- West Hants Branding Project 2016
- West Hants Chamber of Commerce Branding Project 2012
- CBCL Municipal Boundary Review Consultations and Survey 2019
- Windsor-West Hants Consolidation Survey 2019
- Imagine West Hants Destination Assessment Report (Harvey Sawler) (current)

ATTACHMENTS

- The Art of Branding: The Power of Narrowing your Focus (Roger Brooks)
- The Step-by-Step Guide to Branding (Roger Brooks)

Report Prepared by:

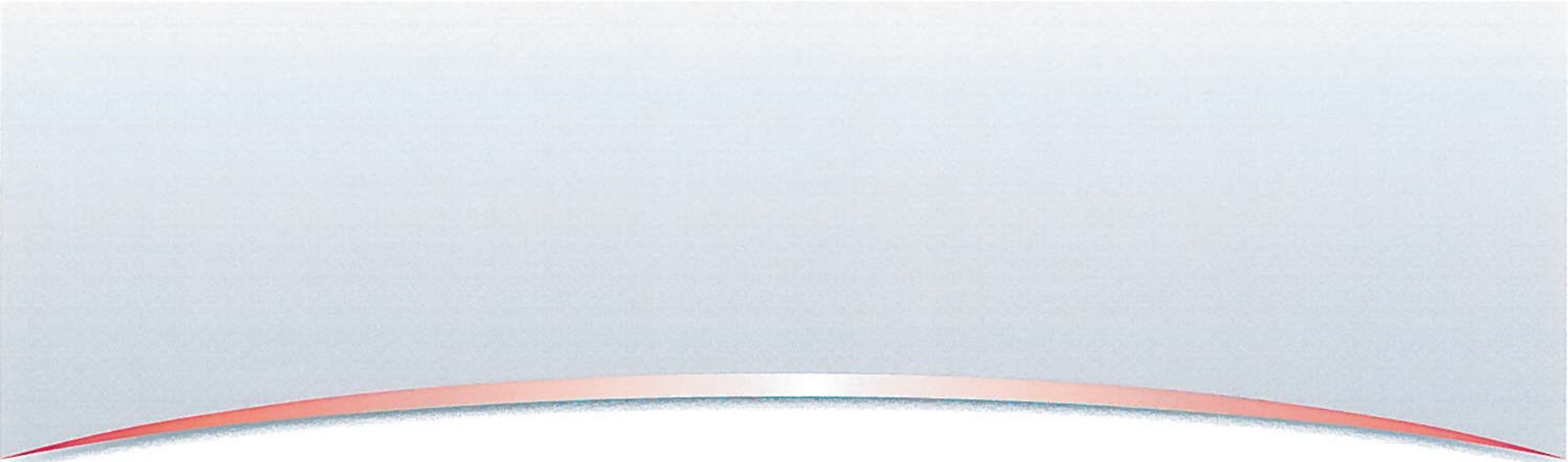


Shelleena Thornton, Administrative Supervisor

Report Reviewed
and Approved by:



Mark Phillips, Chief Administrative Officer



The Step-by-Step Guide to Branding

- HANDOUT -

1

Brand Development Committee

This is the group of stakeholders who will take the lead in developing the brand

direction. Typically keep it to 13 people, or fewer. As you know, the larger the committee the less likely you are to get things accomplished.

Typical members might include:

- Economic Development
- Chamber of Commerce
- Tourism
- City/county elected official
- City/county senior staff
- Downtown representative
- Planning director
- Six business sector representatives

These folks will help decide on the final brand direction. They need to be “heavy hitters” locally.

Get an outside facilitator

It’s extremely important to get an outside facilitator – someone with no political ties locally, and not in business locally. This way politics won’t get in the way. Someone who has nothing to gain or locally should help facilitate the process.

If you had a sports retailer as your local facilitator, and then sports ends up being the most feasible brand direction, the community will assume that he or she steered the brand that direction, thus eliminating the non-biased opinion.

The facilitator will also be charged with helping to “sell” the community on the brand once it’s been decided, so make sure you have a good speaker who can excite the community about the brand direction.

2

Educate locals on what a brand is

Now it’s time to educate local stakeholders, organizations,

businesses and business leaders, as well as the general population on what a brand is and why this is important to do. Otherwise, you’ll end up with a population sending you just slogans and logo concepts.

Prepare a 20-minute presentation and give it at local board meetings (Chamber, City Council, Auxiliary organizations such as Rotary and Kiwanis, school boards, hospital boards, etc.

Also include the press on the brand education so they understand it and will also educate local residents and business leaders.

Inventory your assets

What do you have that makes you a desirable community for establishing a new business? As a place to live? Or as a place to visit? Make it specific. Do NOT use “quality of life” on the list. Break it down. What, specifically, makes you special. This can be quite the list.

Then take the list and if some items can be found closer to the markets you are hoping to attract, move it to the “diversionary” or “secondary” list. You

13 Steps to Success | Handout

are hoping to find one or two things the markets can't get or do closer to home. This may take some time and you may need to really dig deep.

You are looking for possible building blocks or a foundation upon which you can build your brand.

Ask the community

This is where the community can weigh in and have their chance to provide input. Here are ways to ask:

- Hold an open house and provide places for people to provide input. Often this can be combined with educational workshops.
- Do an online survey using Constant Contact or another service like Survey Monkey.
- Interview local stakeholders asking for specific input.
- Through the press: radio, television, print media.

Yes, you'll get some sarcasm, and yes, you'll get some slogans. That's okay. Take it all in.

Find your "anchor tenants"

Take the "seven questions quiz" to local meetings such as Kiwanis, Rotary, Chamber and other organizations and ask them the questions. You'll find out, quickly, who your "anchor tenants" are in terms of restaurants, retail shops and activities.

Here's a sample list of questions you can start with:

1. Where can I get the best dessert? Name the restaurant and the dish.
2. Where will me and my partner have the best dining experience? It can be fancy, great food, great ambiance, or great characters. Breakfast, lunch, or dinner.
3. Where can I get gourmet items for a picnic?
4. Where, specifically, can I see a breathtaking sunrise or sunset?
5. Where is the best place to take a memorable photo that says I was really there?
6. Where can I check my e-mails?
7. Where can I get the perfect gift? Something locally or regionally made?

Then have your audience put these in order of an itinerary as if a guest was coming into town on a Friday evening, and spending the weekend in town.

This is what every visitor is looking for. Itineraries from the locals. You **MUST** promote your "anchor tenants." They make you worth a special trip and an extended stay. Everyone will benefit from them. Think Orlando and Disney World.



Identify the markets

The next step is to identify the markets you are hoping to attract. This is not just about tourism, but also the types of

markets you are looking for in terms of business (jobs).

Those markets should include:

- Geographic areas (primary and secondary)
- Demographics (Young people? Creative Class? Retirees? Families?)
- Lifestyle or psychographics: Identification of personality characteristics and attitudes that affect a person's lifestyle and purchasing behaviors.
- Primary and secondary markets.
- Industry: The type of industry best suited for the area based on your points of differentiation.

4

Go through the filtering process

Take the entire list from the community (over perhaps three or four weeks), combine similar concepts, and then remove the ones

that are too generic or can fit other communities within the markets you are hoping to attract.

This will typically shorten the list from perhaps 100 different items down to, in most cases, less than ten items.

Keep track of items you heard from multiple people. Perhaps these can be used as niche brands or as supporting activities to the final brand direction.

Run the ideas through the 10-point Feasibility Test

These are listed in the previous section. Run each item on the list through the feasibility test and see what's left. If you're lucky, you should have it narrowed down to just one or two items. The goal is to get down to one item.

In many cases there may be no items left on the list. Don't despair! This gives you a clean slate to build a fresh brand, still using the assets you listed earlier. Look for other ideas. Dig a little deeper. It's ok to duplicate another community's brand as long as it's different from what the markets you are hoping to attract can get or do closer to home.

Identify the niche and sub-brands

Sub or niche-brands are smaller well-defined brands where you can market to that group specifically. Typical niche brands include:

- Sports
- Bird watching
- Fishing and hunting
- RV'ing

Make sure there is good "cross-participation" between the primary brand and niche brands. For instance, art and food go well together. Sports and entertainment are a good fit. Birding and gardening are compatible brands/niche-brands.

By identifying these, you'll be able to provide your primary brand with "legs" - or offshoots.

Pick one and only one

The natural tendency will be to pick several and to head down the path of "we have something for everyone!" Don't even try it.

Pick one that the Brand Development Committee can buy into and that makes sense. If someone else has this brand in a different market, check it out. How's it working for them? Can you reasonably duplicate it or exceed it?

If you have to develop a new brand, don't panic about the time it will take to develop. We'll get to BridgeBrands in a minute.

5

Create the Brand Leadership Team

Your Brand Development Committee got you

to this point. They "developed" the brand. Now that you have the brand direction, you need to shift the focus to those who will "lead" the brand - The BLT.

The entire branding effort will hinge on the efforts of this group of people. Once again, keep it to 13 people. Seven of them should be from the private sector and should have a vested interest in the brand direction. They are most willing to champion the cause because their paycheck depends on it.

The other six people would include the supporting organizations. There might be a wholesale change from the BDC to the BLT.



Develop the “Brand Bank”

These are the ideas that will reinforce and support the brand. When Leavenworth, Washington decided to become a Bavarian

themed town, the ideas included:

- An amphitheater where they would produce The Sound of Music annually.
- Maypole dances, long-pipe festival, and other Bavarian-oriented events.
- Facade improvements.
- Bavarian eateries, retail sales of goods made in Bavaria.
- Bavarian artists in action, art shows.

And the list goes on. They did such a good job that 40% of Leavenworth’s population is now from Germany. Remember that brands are built on product, so this should be the focus.

Look for partnership opportunities.



Write the brand promise

This is the paragraph that describes what you will be ten, 15 years down the road. Not today, but what you aspire to become.

This is the goal that you are aiming for.

Make sure it’s not generic. Read it, rewrite it, and keep fine tuning it until it is very specific and would make you want to go there or move there when it’s in place.

Business prospects should read this and think “Gee, there’s a business opportunity for me here.” You can develop a long version (three paragraphs or so) and a short version, which would be just one paragraph of no more than five lines.

Short, to the point, very specific, and well defined.



Create the look and feel of the brand

We’re finally to the look and feel of the brand: the logo or brand identity, color

schemes, tag lines and all the marketing elements that will be used as you develop the brand and claim ownership of it. This is where communities go sideways, typically putting this first without going through the other 13 necessary steps.

Hire professional services to do this for you and remember that you are selling a feeling more than the physical attributes that support the brand.

Develop a Brand Style Guide and include all your local marketing organizations. Continuity is critical at this point.

Remember that the logo and tag line make up 2% of a brand, but will get virtually all of the attention. You cannot do this by public consent. Do NOT make this a public process. It can kill your entire effort.



Developing an Action Plan

All successful brands are built on product so develop a Branding, Development & Marketing Action

Plan. No more strategic plans. You need action steps - a to do list - as opposed to strategies, goals and objectives.

For each recommendation provide the following:

- A description of the recommendation
- Who would be charged with implementation. It takes a village to win.
- When it would be implemented.
- Cost of implementation
- Where the money would or could come from.
- The rationale for making the recommendation.

The marketing action plan

Telling the world is how you stake your claim - ownership - of your brand. Like the product development plan, the marketing plan should include the same elements and should incorporate all partnering organizations. Everyone has a role to play in a successful branding effort.

The plan should include graphics, advertising, public relations (a cornerstone of the branding

effort), photography, video, marketing materials, web and Internet marketing initiatives, brand-building posters and give-away items, etc.

Always promote the businesses, specifically, that reinforce and support the brand. Don't let politics get in the way of marketing your "anchor tenants."

Define the roles

As just noted, it takes a village to win. Every organization plays a role. For instance, Kiwanis or Rotary might take on the development of new entry points (fitting the brand), while the city may take on the development of a Wayfinding System (decorative directional signage that fit the brand). This can extend into downtown business recruitment, facade improvements, event development and a host of other brand-specific assignments.

When you get everyone on the same page, pulling in the same direction, this becomes fun. This is where you put it all together.



Make something happen

This can be a new wayfinding sign or entry sign. Or even something as simple as new business cards or

the redevelopment of an existing website. People are impatient, so having something physical they can see will help sell the brand, and will tell the community you're serious and this won't be another plan sitting on a shelf gathering dust.

The best way to develop a brand is to slide it in slowly. All of a sudden a new sign goes up with a new identity and tag line on it. Then another, and over time, it becomes pervasive throughout the community.

Sell it! Begin the outreach program

One of the big responsibilities of the Brand Leadership Champions are selling the brand to the community and creating buy-in opportunities for local organizations.

This will include your "BridgeBrand" as well as your long-term branding goals and implementation of the plan.

Every member of the BLC should be charged with speaking at three, four, five or six events a year. They need to be good speakers, enthusiastic and able to convince others to jump on board the band wagon.

This process doesn't end for years until the brand has taken on momentum of its own.

11

Keep the energy high.

The first year is ALWAYS the toughest year when implementing a branding program.

Because you are

narrowing your focus, you will undoubtedly run into opposition who want your community to be all things to all people – that you really do have “something for everyone.” Even though that marketing approach no longer works, the blogs will light up with dissent and so your brand champions must just let it go and MUST work to keep the energy high.

Once the branding effort starts taking hold, people will come on board – slowly at first – and as they “get used” to the new direction, and businesses begin to invest in it, it will garner strength over time. Nobody in Napa Valley complains about it being the world’s “wine capital.” Nor do they complain about Nashville owning the country music brand. Over time it became organic to the community – who they are. The same holds true with your community.

Just remember that there are only three killers of any branding effort. Period:

1. Local politics – and it’s far worse with membership organizations than it is with elected officials.

2. Lack of champions – No branding effort can succeed without tireless pioneers who champion the cause – especially in the face of criticism – but push the agenda forward and never take no for an answer.
3. Lack of money – both public and private. Almost every well-branded city, town, county, or destination in the world was founded on private sector investment and marketing. Consider these:
 - a. Orlando, Florida and Anaheim, California (Disney – kids & family)
 - b. Napa Valley, California (wine)
 - c. Nashville, Tennessee (country music)
 - d. Memphis, Tennessee (home of Graceland)
 - e. Hershey, Pennsylvania (chocolate)
 - f. Lancaster, Pennsylvania (Amish)
 - g. Hollywood, California (movies and stars)
 - h. Silicon Valley, California (high tech)

Finally, every community is full of CAVERS – people who don’t want change and will fight it. What’s a CAVER? Citizens Against Virtually Everything.

Keeping the energy high is the make or break it for any branding effort.

12

Tell the world

Once you have the product – and people – in place, it’s time to tell the world of who you are, what separates you from everyone else and

makes you THE destination of choice. Now it’s time to drive your stake in the ground that you “own” your brand. After all, brands are about owning your niche in the marketplace.

You build your brand through public relations. Advertising is used to maintain your ownership position. Remember that brands are a perception – what people think of you when your name is mentioned. And perceptions are created from first impressions, visual things we see once in your community, what we see on the news or read in print publications, and now what we “hear” in social media.

This is where you put together a detailed Marketing Action Plan – with all of your local organizations at the table (branding requires continuity) and craft a plan on how you are going to tell the world what you’re about – specifically.

When it comes to marketing budgets, here’s a guideline to use:

45% - Website | Pay Per Click | SEO | online advertising | social media | apps | anything that is Internet-related.

20% - Public relations – getting articles written about you, creating video contents, professional photography reinforcing the brand, creating brand-specific itineraries – getting the word out there.

20% - Advertising. And this is to drive people to your website, which must be good enough to close the sale.

10% - Printed collateral materials. With the advent of the Internet, apps, and PDF docs available on smart phones, tablets and laptop computers, the need for printed materials is declining fast. They are still important, but should not be the priority.

5% - Trade shows, billboards, other forms of marketing.



Revisit the plan

And do it every year, if not every few months. Do NOT let your plan sit on a shelf gathering dust! Keep your focus narrow, go right down

the list and make sure your branding “partners” are keeping up with their assignments and the timelines outlined in the plan.

Branding is a fluid process that is crafted and molded over time. You may end up adding to-do items to the plan, moving some things around, but it is ALWAYS your to-do list and the plan that will lead to your success.

If you need to, bring back your facilitator every four months, six months, or once a year to pump up your champions, to cut through any red herrings, or to address challenges you’re having along the way. A good facilitator can help you update the plan, on the spot, or as a contracted service.

And finally, never, ever give up. Branding and stamina go hand in hand. The plan is your guide.

The Bridge Brand

It can take anywhere from three to 20 years to fully “own” your brand. Rarely is it a shorter or longer process. But what can you do between now and then? How do you “bridge” the gap while you’re developing your brand?

This is where the BridgeBrand comes to play. If you want to become a culinary destination, then start by promoting your best restaurants, a culinary school, and culinary events. Don’t tell the world you are a culinary destination, but start to market the small things that are the foundation or building blocks of your long-term brand direction.

BridgeBrands are often used as a “repositioning” or “rebranding” effort. Often communities have a negative perception that needs to be turned around before implementing the final brand. Look at the case histories in this kit where BridgeBrands for Stockton and Oxnard, California are displayed. Also look at the League City, Texas BridgeBrand.

Mottos to Live By

“If you think you’re too small to make a difference, try going to bed with a mosquito in the room.” - unknown

“Never doubt that a small group of thoughtful committed people can change the world. Indeed, it is the only thing that ever has.” – Margaret Mead

“A by-product of brands ‘for the people’ is the committee that compromises and kills a potential brand home run. This is why you never see statues of committees in public parks. You see brave leaders.”

“Nothing great was ever achieved without enthusiasm.” – Ralph Waldo Emerson

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About Roger Brooks

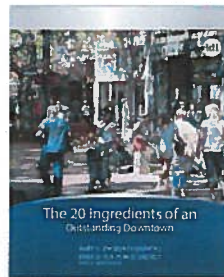
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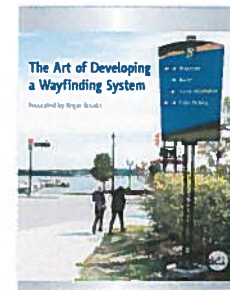
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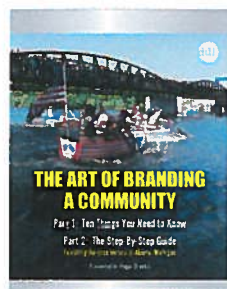
HD Video | 108 minutes



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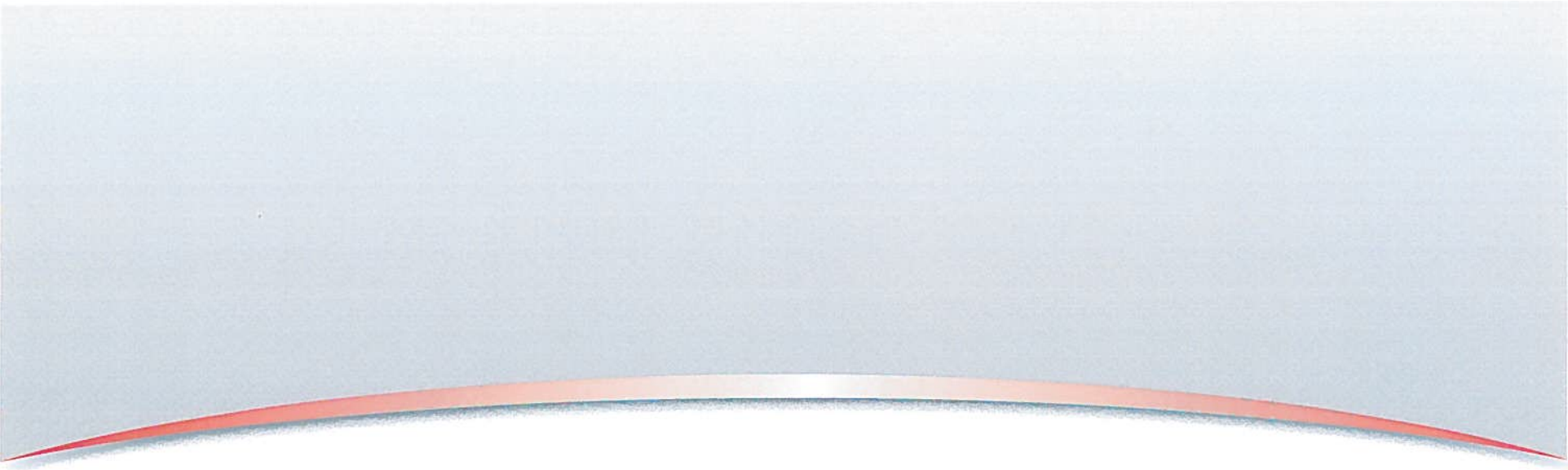
HD Video | Part I: 63 min. Part II: 60 min.



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HD Video | 72 minutes



The Art of Branding:

The power of narrowing your focus

- HANDOUT -

The Art of Branding a Community | Handout

Introduction to Branding

Branding is the art of setting yourself apart from everyone else, and making you the destination of choice for investment, business opportunities, and as the place to live and visit.

The entire idea behind branding is to import more cash into the community than you export when locally earned money is spent elsewhere.

All of the rules in this handout apply to business as well as to the community.

The Four Ingredients of Change

1. We are slowly climbing out of the private-sector recession, but we are just entering the public-sector recession. As the federal government and just about every state or province struggles to balance budgets, cities, towns, and counties must now act and think like a business, finding ways to import fresh cash into the community - your tax base.
2. Just about every community in North America was founded on a natural resource: timber, fishing, mining, agriculture or were founded on transportation: close to major freeways, railways, or waterways. Manufacturing uses the combination of both natural resources and transportation. But now that we're in a global economy, core industries are dying as are the cities and towns that supported those industries. In a nutshell, communities are now looking for their "second act." Everyone wants a piece of the tourism or economic development pie.

Sad fact: there are more ghost towns in the making today than ever before in North American history.

Every year hundreds of communities are working to diversify their economies.

3. The Internet has changed everything. 90% of the population now has immediate access to the web, and of that group 94% use it to determine where they will live, work or play. Yet 70% of web users are frustrated because you're marketing communities and geographic locations, and they are looking for experiences - job opportunities, best restaurants, things to see and do that cater to them. Your location is second.

If you want new business, residents or visitors, it starts in front of a computer screen.

The web should be your number one marketing priority. BUT it MUST be good enough to close the sale. Period.

4. We are exposed to 5,000 marketing messages a day. We are drowning in advertising overload.

Billions of dollars are spent marketing communities every year and 97% of that is ineffective. That's right: 97%. This includes chambers of commerce, destination marketing organizations, economic development agencies, cities, downtowns, counties, districts, regions, states and provinces.

We simply block out anything that doesn't appeal to us directly. So ask yourself this one question: What do we have that the people we are hoping to attract can't get or do closer to home? Whatever it is, you need to hang your hat on that. We have the world at our fingertips in seconds. What sets you apart from everyone else?

Communities, like businesses, have been forced to specialize yet most are stuck in the membership-mentality of being all things to all people. Have you ever gone anywhere because they have "something for everyone"?

Welcome to the era of the brand.



1. You must Jettison the Generic

The narrower your focus the stronger your success will be. You simply cannot be all things to all people and win. Find your niche and promote it like crazy.

Look at your taglines and marketing text. If it can fit anyone, toss it and start over.

Don't just market what you have, but what will close the sale. You must separate your primary lure from your complementary or secondary activities.

Lure: What sets you apart from everyone else.

Complementary activities: Things we can do closer to home but will do while in your community. They include shopping, dining, entertainment, historical attractions, walking tours, etc.

Amenities: Local parks, parking, visitor info, lodging, dining, shopping, medical, etc.

Ambiance: Historic downtowns, beautification, landscaping, street trees, benches, etc.

The Art of Branding a Community | Handout

Icon: The photo opportunity that shows I was really there.

And avoid marketing lists. Have you ever gone anywhere because they had a great list of things to see and do?

Words and phrases to avoid:

- Explore
- Outdoor recreation
- So much to see and do
- Historic downtown
- Best kept secret
- Experience...
- Beauty and heritage
- Gateway
- Your playground
- Purely natural
- ...and so much more!
- A slice of heaven
- Recreation unlimited
- The place for families
- Recreational paradise
- Unique
- Discover
- Unlike anywhere else
- The four season destination
- Center of it all
- We have it all
- Visit (name of town)
- Naturally fun
- Close to it all
- So much history
- The place for all ages
- Home away from home
- It's all right here!
- The perfect getaway
- Start your vacation here
- Take a look!

You MUST Jettison the Generic! Always promote your truly unique selling proposition. And remember that primary lures cannot succeed without the complementary activities.

FACT: The number one complementary activity of visitors, in the world, is shopping, dining and entertainment in a pedestrian-friendly intimate setting - your downtown. This is where 80% of all non-lodging visitor spending takes place. Why do you think Disney built Downtown Disney just outside each of its parks? To capture than 80%.



2. Logos and slogans are not brands

They are just marketing messages used to support and reinforce your brand. Its an exclamation point on your key marketing message.

The rules of slogans or tag lines:

- No more than seven words (three is best)
- It must be specific. If you have to explain it, toss it.
- It should convey a feeling or bring a picture to mind.
- It needs to be obvious what you're about.
- It must be unique in your market

Brand identities, or logos, make up 2% of a brand yet get 98% of the political attention locally. Have you ever gone anywhere because they had a great logo?

A word about logos:

- One simple graphic
- Easily recognizable
- Unique to the community
- Rarely do good logos contain a physical item (Think Nike, Toyota, Chevrolet, Reebok, Coca-Cola, Apple...)
- They need to convey a feeling



3. A brand is a perception

What people think of you when your name is mentioned. How perceptions create a brand:

- Visual cues as we pass through the community
- The people and local attitudes
- Word of mouth
- Publicity, the news, social media

This is why you build a brand using public relations. Advertising is used to maintain your ownership position. The goal is to "own" your brand in your market. Nashville "owns" the country-music brand. Napa Valley "owns" the wine brand.

Sometimes communities need a "repositioning" or "rebranding" effort. A brand is also a promise - that you will deliver on that perception when we arrive.

Check out Asheville, North Carolina, one of the best branded communities in the U.S. They do a good job conveying the feeling of a hip arts and "foodie" community and the "feeling" portrayed supports that.



4. Your name must be synonymous with your brand

Country music capital	- Nashville
Gambling/Adult fun	- Las Vegas
Kids & Family	- Anaheim, Orlando
Music theater	- Branson, MO
Graceland/Elvis	- Memphis
Winery capital	- Napa Valley, CA
Frozen tundra	- Green Bay, WI
Hershey, PA	- Chocolate
Gettysburg, PA	- Civil War
Lancaster, PA	- Amish
Washington, DC/Ottawa	- Government
Hollywood	- Movies and stars
Detroit	- Cars
Silicon valley	- High tech
Stratford, ON/Ashland, OR	- Shakespeare
Your town?	-??????

5. Successful brands are built on product

You must champion the cause for product development. Product sells itself. All successful brands are built on product, not just marketing.

Round Rock, Texas: The Sports Capital of Texas. The product: A 500-acre sports park, baseball team, sports-oriented community.

Jefferson, Texas: The Antique Capital. This town of 2,500 residents has an antique dealer for every 20 residents in the town! (125 antique dealers). Because so many people drive four hours from the Dallas area to visit Jefferson it's now become the official B&B capital of the state.

Jackson, Wyoming: The home of Western Living. This town of 12,000 residents boast 110 galleries and western living shops in its downtown. And the town hosts nearly four million visitors a year.

Product development never ends. You can never rest on your laurels. Avoid hiring any branding company that doesn't concentrate on product development.

6. You NEVER use focus groups

You heard that right: You NEVER use focus groups to build a brand. If it has to be explained toss it. The focus group mentality results in generic mediocre brands that are rarely successful.

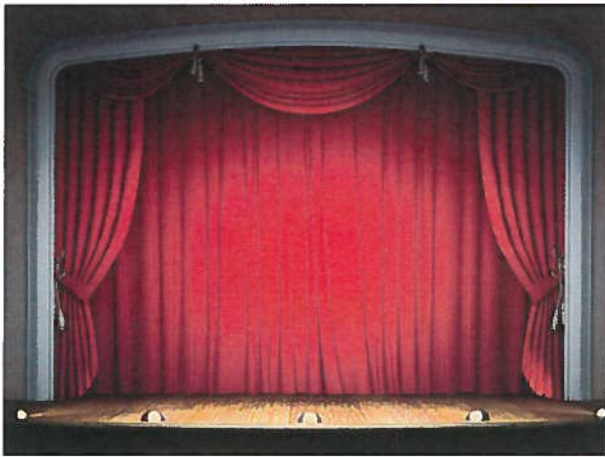
You CANNOT do branding by public consent. You build your brand on feasibility, not just local sentiment.

A brand is "earned" - good or bad. After all, it's a perception - what people think of you.

The Seven Phases of a Public Project

1. Enthusiasm
2. Planning
3. Disillusionment
4. Fear & Panic
5. Search for the guilty
6. Punishment of the innocent
7. Praise and honors for the non-participants

The Art of Branding a Community | Handout



7. You never “roll out” a brand

You never roll out a brand until you can deliver on the promise. It is earned, over time (good or bad).

Sometimes you have to create a “Bridge Brand” that will cover the gap of where you are today and where you hope to end up - your brand direction.

Remember that brands are what people think of you. Changing that perception can take time - sometimes years. And those perceptions change based on product and local attitudes. Brands always start within the community and then spread outwards.



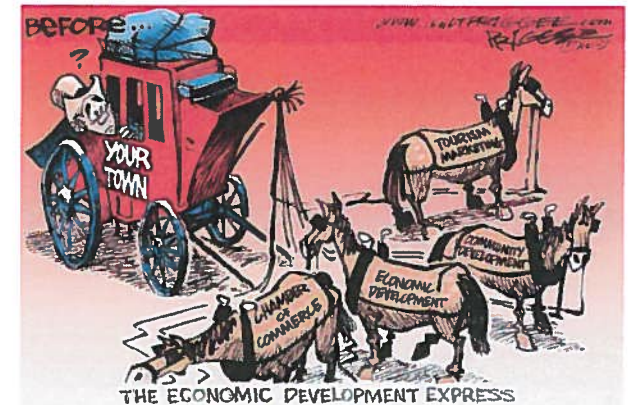
8. Great brands always start with a plan

Branding (what it is you want to be known for)
Development (the needs to be done so you “own” it)
& Marketing (how to tell the world)
Action Plan (the to do list)

No more strategic plans! An Action Plan includes:

- Each recommendation in chronological order of when it will be implemented
- A description of the recommendation
- Who would be charged with its implementation (it takes a village to win)
- The cost of implementation
- Where the money would come from
- When it would be started and completed
- The rationale for making the recommendation

The best plans are less than 100 pages in length. You want a plan that will NOT end up on a shelf gathering dust. The days of Strategic Plans are over.

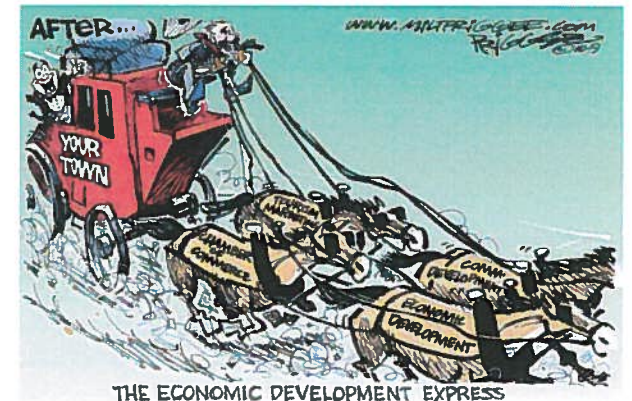


9. Branding is a team sport!

The biggest, most powerful effect of branding is getting everyone on the same page pulling in the same direction. Once again, it takes a village to win. You'll be far more powerful as a single unified voice than as a bunch of independent singular voices.

Have everyone on your team memorize this exercise, repeating after you. Say it at every meeting:

- “I promise to promote only what’s truly unique”
- “I promise to be different”
- “I promise not to repeat what other people say!”





10. Don't let politics kill your branding efforts

There are only three killers of any branding project. There is never a fourth. Ever.

1. Local politics - and this is worse with membership organizations than with elected officials.

2. Lack of champions - those who are willing to take some hits for narrowing the focus and who will push the brand forward.

3. Lack of money (both public and private) - the best brands are built on private investment, not public:

- Napa Valley
- Anaheim, Orlando
- Nashville
- Silicon Valley
- Hollywood
- Hershey, PA
- Lancaster, PA

The bottom line: If you have the right champions on board, they will get past the politics and will find the money to make something happen.



Branding is not a top-down exercise

"A by-product of brands 'for the people' is the committee that compromises and kills a potential brand home run.

This is why you never see statues of committees in public parks. You see brave leaders."

Cities, towns, counties, states & provinces can help fund & facilitate the process, but shouldn't lead the effort. The business community should always champion and pioneer the effort.

We surveyed 400 successfully branded cities and towns and only three were top-down efforts.



Umbrella brands

Multi-community organizations often need to create an "umbrella brand" that encompasses its various communities, each with their own unique brand.

Think of Chevrolet. Its umbrella brand is "Buy American." Its slogans are "Heartbeat of America" and "An American Revolution." But they don't run ads that say "buy a Chevy."

They market the Malibu to families looking for a mid-priced sedan. They market the Corvette to, primarily, baby boomer guys. The Aveo caters to those in their early 20s looking for a high-mileage inexpensive car. The Suburban is marketed to people looking for a large SUV. And then each add is tagged with the umbrella brand "An American Revolution."

BUT your umbrella brand still must differentiate the county or region from all others in the marketplace. It's not so easy. In fact, if this process was easy everyone would be doing it!

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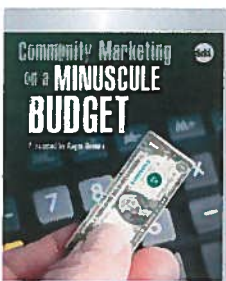
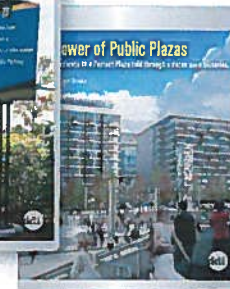
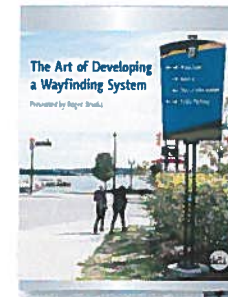
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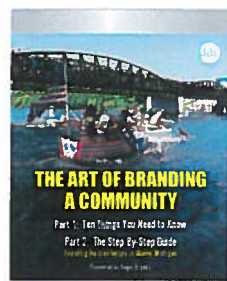
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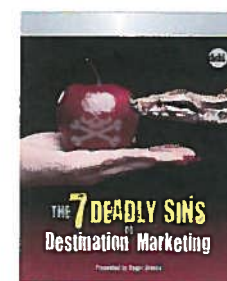


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HD Video | 72 minutes



Committee of the Whole Excerpts
May 12, 2020

Asset Management Policy

The attached report from Committee of the Whole outlines the Asset Management Policy. The discussion points at Committee of the Whole were:

- Fire Services assets are managed differently than other assets and so are not included under the Asset Management Policy. Other assets not included in the policy at street lights, solid waste, and Valley Community Fiber Network (VCFN).
- Future discussion of a strategic sustainability plan is needed.

The recommended motion was:

... that Council adopt the proposed Asset Management Policy for the Regional Municipality.



WEST HANTS REGIONAL MUNICIPALITY RECOMMENDATION REPORT

To: Committee of the Whole

Submitted by: 
Todd Richard, Director of Public Works

Date: May 12, 2020

Subject: Asset Management Policy

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 23 authorizes Council to make policies for municipal purposes.

RECOMMENDATION

It is recommended for Committee of the Whole to recommend to Council that:

Council adopt the proposed Asset Management Policy for the Regional Municipality.

BACKGROUND

Staff identified the need for a formal asset management program to effectively manage its' assets. In 2019, the Coordinating Committee for the Region of Windsor and West Hants released a Request for Proposal (RFP) to secure a consultant to undertake the project to develop an asset registry and an asset roadmap for the Regional Municipality.

DISCUSSION

Hatch was selected as the successful proponent to develop the Asset Management Program. As part of this contract, Hatch has worked with the Public Works Department to perform the following activities for the new Regional Municipality:

- Develop a complete Asset Registry
- Perform Gap Analysis of existing Asset Management Program
- Determine Current and Target Levels of Service
- Develop a Risk Analysis Matrix and Decision Matrix/Strategy
- Review and Recommendation of Asset Management Software Solutions
- Develop Asset Management Policy and Strategy

The proposed Asset Management Policy was developed by Hatch in a workshop session involving key staff from Public Works, Planning, Community Development, Finance, Administration, as well as members of previous Windsor and West Hants Council.

NEXT STEPS

If approved by Committee of the Whole and subsequently ratified by Council, staff will be able to utilize this Policy for evidence-based asset management decision making, prioritization of capital works, and establishing levels of service within the Regional Municipality.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the adoption of this proposed Asset Management Policy.

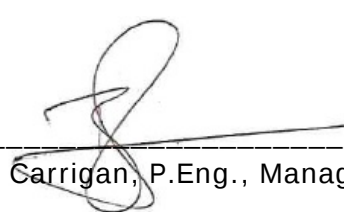
ALTERNATIVES

1. COTW may choose to revise and then adopt this Asset Management Policy with revisions.
2. COTW may choose not to adopt this Asset Management Policy.

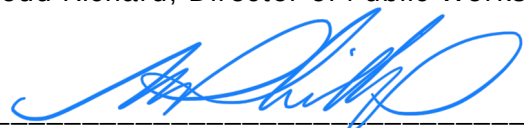
Neither of these alternatives are being recommended to Committee of the Whole.

ATTACHMENTS

Asset Management Policy

Report Prepared by: 
Brad Carrigan, P.Eng., Manager, Capital Projects

Report Reviewed by: 
Todd Richard, Director of Public Works

Report Approved by: 
Mark Phillips, Chief Administrative Officer

ASSET MANAGEMENT POLICY

1. PURPOSE:

This Asset Management Policy provides the Regional Municipality with a framework for consistent and transparent decision making which considers strategic plans, budgets, service levels and risks respecting asset management.

2. STRATEGIC ALIGNMENT:

The principles in this Asset Management Policy and our asset management planning will align with the vision and values our community has been built on and the strategic direction we have planned for our community's future as outlined in:

- Municipal Planning Strategies
- Integrated Community Sustainability Plans

3. SCOPE:

This Policy applies to all assets currently owned and managed and under sole jurisdiction of the Regional Municipality, but does not apply to solid waste, street lights, Valley Community Fibre Network infrastructure, or fire services assets.

4. PRINCIPLES:

This Policy is based on guiding principles that reflect the overall purpose, goals and benefits of asset management planning.

4.1 Service Delivery to Customers:

The Regional Municipality will clearly define levels of service and apply asset management practices to maintain the confidence of customers, and balance community expectations and regulatory requirements with risk, affordability and available resources.

4.2 Holistic Approach:

The Regional Municipality will take an integrated and coordinated approach to decisions on infrastructure, maximizing value to the community; and will ensure that input is received from other key departments and key stakeholders when making decisions about renewing and replacing existing assets or building new assets.

4.3 Long term Sustainability and Resilience:

The Regional Municipality's asset management decision-making will consider the potential impacts of climate change, the needs of both current and future generations and potential challenges associated with changing community demographics and expectations related to service delivery.

4.4 Fiscal Responsibility and Asset Management Decision-Making:

ASSET MANAGEMENT POLICY

The Regional Municipality will choose practices, interventions and operations that aim to reduce the cost of asset ownership, while satisfying defined levels of service. Considerations will be given to all life cycle costs including the cost to build, operate, and maintain infrastructure during financial planning. All decisions are based on balancing service levels, risks and affordability.

4.5 Continuous Improvement:

The Regional Municipality recognizes the value of asset management planning in improving information for decision-making. To ensure Council is supported in making well-informed decisions based on good information and advice, the Regional Municipality strives to commit to:

- Support asset management awareness and training for staff and Council in accordance with their respective roles and responsibilities,
- Progress in the asset management process,
- Integrate asset management systems.

5. ROLES AND RESPONSIBILITIES:

Council is responsible for:

- Approving the Asset Management Policy,
- Articulating community values and defining priorities,
- Approving funding and resources to implement this Policy and associated requirements,
- Approving asset funding through multi-year and long-range financial plans.

CAO is responsible for leading implementation of the Asset Management Policy across the Regional Municipality.

Staff involved in asset management are responsible for observing the requirements of the Asset Management Policy.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of the Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)

Adoption	
Notice to Council:	Date
Approval:	Date
Description:	



Committee of the Whole Excerpts
May 12, 2020

Financial Services Policies (Area Rate Policy RCOFN-008.00; Expense Policy RCOFN-006.00; and Hospitality Policy RCOFN-001.00)

The attached report from Committee of the Whole outlines the proposed Financial Services Policy. The discussion points at Committee of the Whole were:

- Fire hydrant fees are not currently area rated under the Area Rate Policy as they are covered under a by-law.
- Windsor Township Business Association will be an area rate, this will be seen during budget deliberations.

The recommended motions were:

... that Council approves the Area Rate Policy RCOFN-008.00 for the West Hants Regional Municipality.

... that Council approves the Expense Policy RCOFN-006.00 for the West Hants Regional Municipality.

... that Council approves the Hospitality Policy RCOFN-001.00 for the West Hants Regional Municipality.



WEST HANTS REGIONAL MUNICIPALITY RECOMMENDATION REPORT

To: Committee of the Whole

Submitted by: _____
Diana Gibson, Manager, Accounting & Financial Reporting

Date: May 12, 2020

Subject: Financial Services Department Policies

LEGISLATIVE AUTHORITY

Municipal Government Act Section 23

Area Rate Policy RCOFN-008.00 Legislative Authority

- Municipal Government Act, Chapter 18 of the Acts of 1998

Expense Policy RCOFN-006.00 Legislative Authority

- Municipal Government Act, Bill 10

Hospitality Policy RCOFN-001.00 Legislative Authority

- Municipal Government Act, Bill 10

RECOMMENDATION

Committee of the Whole recommends that . . .

. . . Council approves the Area Rate Policy RCOFN-008.00 for the West Hants Regional Municipality.

. . . Council approves the Expense Policy RCOFN-006.00 for the West Hants Regional Municipality.

. . . Council approves the Hospitality Policy RCOFN-001.00 for the West Hants Regional Municipality.

BACKGROUND

The Municipal Government Act, Section 23 gives council the power to adopt policies as specifically outlined in the Act, or for any matter that the council considers conducive of effective management of the municipality. The policies discussed below provide detailed guidelines on area rate practices and applications, and employee and council expenses, including hospitality expenses. Without these policies the West Hants

Regional Municipality will be responsible for following the two separate policies of the former Town of Windsor and Municipality of West Hants.

DISCUSSION

Area Rate Policy RCOFN-008.00

The purpose of the Area Rate Policy is to provide a framework and guideline for establishing and managing area rates approved by council. This policy details when area rates are required, who can apply for a special area rate, and considerations for council when reviewing area rate applications. Area Rates are used in place of general rates when equal services are not available or desirable throughout the Municipality due to:

- Growth and development occurring at different rates or with different levels of intensity of land use.
- Local or specific needs being met in different ways for practical or historical reasons, including historically separate governance.
- Use of infrastructure and services specific to local areas versus availability across the Municipality.

For a current example of an area rated service would be Hantsport Memorial Community Centre (HMCC).

Expense Policy RCOFN-006.00

The purpose of the Expense Policy is to provide a guideline on what classifies an acceptable, reimbursable expense for employees and councillors. The Policy includes specific information on airfare, hotels, meals, and mileage. This information includes best practices in terms of using the most economical and logical transportation and/or lodging and when per diems are to be used.

As part of Bill 10, Councillor and CAO expenses are posted on the Municipal website every quarter. To ensure timely posting, the Expense Policy includes a requirement to have expenses turn in to the Financial Services Department no later than 30 days after the expense had occurred.

Hospitality Policy RCOFN-008.00

Created in conjunction with the Expense Policy, the Hospitality Policy distinguishes between regular expenses and hospitality expenses. Hospitality expenses are those expenses incurred when hosting individuals from outside of the corporation of the West Hants Regional Municipality. Reasons for hosting outside individuals include, but are not limited to receptions, ceremonies, conferences, performances, and other group events.

Similar to regular expenses, Bill 10 also requires all hospitality expenses be posted publicly each quarter and submitted to Municipal Affairs yearly, to comply with this all hospitality expenses shall be submitted to the Financial Services Department within one month of the event.

FINANCIAL IMPLICATIONS

These policies do not create any immediate financial implications; however, they do provide staff and councillors with the guidelines needed to request reimbursement of expenses; and provide the framework for charging different tax rates as necessary.

ALTERNATIVES

The Committee of the Whole could choose to not move forward with the recommendation; however, this would leave the separate policies of the Former Town of Windsor and Municipality of West Hants in effect, which could cause a substantial difference in administering.

ATTACHMENTS

- Proposed Area Rate Policy RCOFN-008.00
- Proposed Expense Policy RCOFN-006.00
- Proposed Hospitality Policy RCOFN-001.00

Report Prepared by: _____
Diana Gibson, Manager, Accounting and Financial Reporting

Report Reviewed by: _____
Carlee Rochon, Director, Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

AREA RATE POLICY

1. PURPOSE

The purpose of this Policy is to provide the framework and guidelines for establishing and managing area rates approved by Council, in accordance with the provisions of the Municipal Government Act, Chapter 18 of the Acts of 1998, and as amended from time to time.

2. DEFINITIONS

For the purposes of this Policy, the following definitions are provided:

- a. "CAO" refers to the Chief Administrative Officer of the Municipality.
- b. "Council" refers to the Council of the Municipality.
- c. "General Rate" refers to the tax rate applied across the Municipality for the delivery of equal services.
- d. "MGA" refers to the Municipal Government Act
- e. "Municipality" refers to the West Hants Regional Municipality.
- f. "Owner" refers to the person(s) who owns a property and to whom taxes are assessed.

3. APPLICABILITY

This Policy does not apply to taxes levied under the following:

- a. User Fees and Charges, pursuant to Section 79 of the MGA and Local Improvement Charges under Section 81.

A service or local improvement used directly by a specific group or type of individuals where the Municipality can identify the users or properties receiving the benefit of the services or improvement. These charges currently include:

- Sewer charges,
 - Street improvements fees under the Street Improvement By-law.
- b. Private fees and taxes for a service which is privately owned and the public has no or limited access, in which case any fee or tax collected on their behalf will be fully levied on the users and/or owners, pursuant to Section 81(1)(da) of the MGA. These would include fees such as:
 - Private roads under the Private Roads By-law.

AREA RATE POLICY

- c. Fire Protection Fees, pursuant to Section 80 of the MGA.

4. PRINCIPLES

- a. The Municipality recognizes that the delivery of equal services is funded by sharing costs among taxpayers in proportion to property assessments as a general rate. However, in some instances equal services are unlikely to be available or desirable throughout the Municipality due to:
- Growth and development occurring at different rates and with different levels of intensity of land use.
 - Local or specific needs being met in different ways for practical or historic reasons, including historically separate governance.
 - Use of infrastructure and services specific to local areas versus availability across the Municipality.

It is to be expected that general rate funding would not be applicable in those instances, nor in those instances where former municipal units have different services.

Therefore, prior to levying a tax other than a general rate, Council should consider the following:

- A. Where is the service provided now and where will it be provided in the future, if not the entire Municipality?
 - B. Who will benefit, either directly or indirectly, from the service?
 - C. Who or what has caused the need for the service?
 - D. Is the service standard or level different from that offered in other communities within the Municipality and does this make sense?
 - E. Has there been a recent governance change which is relevant to the issue, and if so, what are the reasonable expectations of both those living in the former municipal unit and those outside the boundaries?
- b. Council will define each service broadly and not tax various parts of the service in ways that are so specific to result in an inconsistent application or undue administrative cost.

Subject to geographically defined services appropriately funded by the Local Improvement Charge under Section 81 of the MGA, Council will not make exceptions to service standards or levels based solely on willingness to pay additional taxes.

AREA RATE POLICY

Special taxes should not be created for amounts that are immaterial.

5. KEY TERMS

- a. Area Rates – for the purposes of this Policy area rates are taxes levied in addition to general rated taxes, at the request of an association, society, or local community group, for which the Municipality has the power to approve and expend for the purposes of:

- Providing a service for an area.
- Increasing the level of service on a significant minority of taxpayers.

These may include operating and/or capital costs.

Operating area rates established in one year may continue from year to year upon presentation and approval by Council of an annual budget. Any surplus or deficit from one year will be applied first to the following year's area rate calculation.

The approved budget, adjusted for surpluses or deficits, forms the basis on which the area rate is calculated.

- b. Area Rated Services – services not readily available to all taxpayers or which exceed service levels provided to the general population such as:

- Sidewalks, street lighting, or road maintenance.
- Recreation, cultural or social expenditures provided directly or indirectly (through a third party) on behalf of the Municipality.
- Cemetery Services.

- c. Affected Area – can be defined in one of the following ways:

- Geographically – the area located within the Municipality, which is situated within the circumference of a circle having as its centre the geographic centre of the section in which the service is located and having a radius appropriate to the service being delivered.

For example, the boundary of a former municipal unit may be designated as a geographic area for purposes of applying an area rate.

- Community of Interest (Facilities or Service) – the area the intended facility or service can reasonably serve.

For purposes of this Policy, Council should adopt the following definitions:

AREA RATE POLICY

- A. Neighbourhood – a facility or service which is usually used daily by citizens who are within a 1 km radius.
 - B. Community – a facility or service which typically attracts people within a 5 km radius or within a former municipal unit.
 - C. Regional – a facility or service which is intended to serve residents of an entire municipality and attract visitors from outside the Municipality.
 - D. Cultural – a facility or outdoor space which has an attached historical or cultural value and may attract people within a 30 km radius.
- d. Community Rate – a rate applied to a geographic area of a former municipal unit intended to offset prior commitments and liabilities entered into prior to any consolidation or dissolution such as debt financing, pension and other liabilities, and contracts continuing beyond one year, as examples.

A portion of the community rate may also be set aside to smooth the impact of future taxes upon the Municipality's taxpayers' entire community as a result of the ending of the dedicated external funding received to offset operational impacts such as equalization payments and streets and roads formerly maintained by a former municipal unit.

Some community rates end once the debts, contracts, or other liabilities are fully satisfied, although area rates may still be applied after that where there is an expanded menu or level of services provided to that community.

6. ROLES AND RESPONSIBILITIES

a. Association, Society, or Local Community Group

Associations, societies, or local community groups are responsible, with the help of Administration, for seeking approval of Council for the area rate fund's annual budget through the annual budgeting process.

Associations, societies, or local community groups are responsible to determine the appropriate funding model to be established for the area rate including:

- The proposed budget, following public input and recommendation.
- Length of funding period if capital in nature, in keeping with the Municipality's capital asset policy.

Associations, societies, or local community groups are responsible for determining if an expense is permissible and are expected to expend funds in

AREA RATE POLICY

accordance with the Municipality's policies and sound business practices, including being accountable to Council for the use of public funds.

b. Financial Services Department

Staff of the Financial Services Department are responsible for:

- Collecting the levy, once approved.
- Processing the payment of expenditures.
- Monitoring appropriateness of expenses.
- Maintaining financial records including all original receipts, invoices, and cheque requisitions.
- Providing advice on financial policies including purchasing and financial reporting.
- Oversight of auditing of accounts as required.

c. Office of the CAO

Staff of the CAO's Office are responsible for:

- Assisting the association, society, or local community group with setting up and recording the results of all votes held at information sessions with the affected taxpayers.
- Providing advice and direction in the preparation of information to be released including the reason for requesting an area rate, what services or level of service the rate will apply to, and the length of time the area rate is proposed to be in place.

7. APPROVAL PROCESS

Area rates must be approved by resolution of Council, ideally, during the annual budget approval process, following a recommendation from the CAO and/or the association, society, or community group having obtained public support.

Council may be guided by, but is not bound by, the results of the recommendation voting process (outlined in **Section 8**).

8. PUBLIC INFORMATION AND RECOMMENDATION PROCESS

Associations, societies, or local community groups are required to notify and seek recommendation of taxpayers for which an area rate is being proposed. Such notification and approval are not required for area rates applied by the Municipality for services provided by the Municipality.

AREA RATE POLICY

Public notification of meetings for associations, societies, or local community groups seeking to obtain, maintain, or increase area rates under **Section 6** of this Policy will be given at least 14 days' notice prior to the date of the meeting. Notifications should be made in the following manner:

- An information letter sent out to all households within the area to be affected, either by door-to-door delivery. Property owners living outside of the district should be contacted via Canada Post.

The information letter should contain detailed information on the operating costs or capital purchase being proposed, the need and the amount of the expenditure, the length of financing, and the estimated area rate anticipated at the time of the notification.

The information letter should also contain the date, time, and location for the public meeting.

- It is the responsibility of the association, society, or local community group to draft and distribute the letter to all properties within the specified area.
 - It is the responsibility of staff to provide the proposed tax rate and post notice of the hearing on the Municipal website.
 - Should the Municipality be required to take on any additional cost as part of the application process, there will be a fee to the association, society, or local community group.
- The public meeting will be open to the general public but only those taxpayers directly affected will be eligible to vote on a recommendation to be made to Council. The Councillor for the affected area will be deemed the Presiding Officer. Where an affected area extends beyond one district, the Presiding Officer will be chosen by the Municipal Clerk for purposes of the meeting.
 - Voting on recommendations to be made to Council will be done by those individuals deemed eligible as determined by the Municipal Clerk as they enter the meeting place. The Municipal Clerk will determine eligibility from the tax roll of the Municipality available at the time the information letter was sent out. The first real property taxpayer registered for each property will be deemed as the eligible voter.

Eligible taxpayers will have one vote per property. Taxpayers may vote by proxy by providing a signed letter indicating the property address and name of the person to be voting, provided no other taxpayer for the property is present. A person can only represent one taxpayer but for multiple properties.

AREA RATE POLICY

- Two eligible voters, appointed by the Presiding Officer will act as scrutineers during the counting of the votes, conducted by the Municipal Clerk. Not more than one of the scrutineers will be a member of the organization requesting the area rate.
- The results of the vote will be declared immediately.

9. APPROVED PURPOSES AND GUIDELINES

Each area rate is required to have an annual detailed budget which is to be submitted in accordance with the annual budgeting process. All expenditures are to be made in accordance with the approved budget.

Area rate funds are to be budgeted on a break-even basis. Any deficit which arises in any year must be the first charge on the area rate in the next fiscal year. Reserves or surplus carryforwards are not to occur without a Council approved reserve.

Area rate funds can only be used for the provision of services within the municipal mandate as defined in Section 65 of the MGA.

Expenditures must comply with the spirit and objectives of the *RCOFN-003.00 Procurement Tendering Policy* and practices as approved by Council.

Expenditures must be in accordance with all Provincial and Federal legislation.

10. RECORD KEEPING REQUIREMENTS

All expenditures must have original supporting documentation for payment, no advances will be issued.

All expenditures should be approved by the appropriate representatives confirming the expenditure is in accordance with the appropriate policies and the good or service has been satisfactorily received, prior to submission to the Municipality for payment.

11. REPORTING REQUIREMENTS

A financial report for each area rate will be prepared by the Financial Services Department on a quarterly basis and provided to the area rate society, association, or local community group and Council.

AREA RATE POLICY

12. REPEAL

The Area Rate Policy, COFN-001.00, dated April 21, 2016 of the former Municipality of the District of West Hants and the Fire Protection Rate Policy dated October 23, 2007 of the former Town of Windsor are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2020**.

R.N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description: Initial Approval of Area Rate Policy.</i>	

EXPENSE POLICY

1. PURPOSE

The purpose of this Policy is to provide direction for reimbursement of necessary, actual, and reasonable expenses incurred in the conduct of West Hants Regional Municipality business.

2. DEFINITIONS

For the purposes of this Policy, the following definitions are provided:

- a. "CAO" refers to the Chief Administrative Officer of the Municipality.
- b. "Resident Member" refers to committee members who are not members of Council or Municipal employees.
- c. "Collective Agreement" refers to the current written contract of employment, which contains provisions governing the terms and conditions of employment for certain employees.
- d. "Council" means the Council of the Municipality.
- e. "Councillor" refers to a Council member and includes the Mayor and Deputy Mayor, unless otherwise indicated.
- f. "Employee" refers to any person directly employed by the Municipality.
- g. "Municipality" refers to West Hants Regional Municipality.

3. APPLICATION

This Policy applies to all councillors, employees, and committee resident members of the Municipality.

Any breach of this Policy will be reviewed and may result in corrective or disciplinary action in accordance with applicable policies.

4. TRAVEL EXPENSES

Travel will be planned, with reservations made in advance, to take advantage of early booking discounts, when possible. Prior to booking travel, employees will ensure it is budgeted for and approved.

- Employees will ensure the appropriate approvals are obtained from their Director.
- Directors will ensure the appropriate approvals are obtained from the CAO.

EXPENSE POLICY

- Councillors will ensure the appropriate approvals are obtained from the CAO.

Employees, with consultation from Directors and Department Administration, are responsible to make all travel bookings, including those for hotels and transportation.

- Travel bookings for councillors will be the responsibility of the department in which the travel is related.

Airfare

- Employees, councillors, and resident members are required to use the lowest logical airfare.
 - Payments for airline tickets will be made using a Municipal credit card, for the additional travel insurance available for the cancellation of flights, lost baggage, and medical care.
 - Travel points associated with the purchase of tickets will be used by the Municipality to offset future travel costs.

Lodgings

- Employees, councillors, and resident members will use the hotel with the lowest reasonable cost, while balancing the proximity to the main conference or meeting location.
 - Personal charges, such as in-room movies or bar fridges, will not be expensed to the Municipality.

Automobile Use

- Employees, councillors, and resident members use of a personal automobile for business purposes will be reimbursed for actual vehicle use.
- The authorized mileage allowance rate will be set by the Municipality, yearly, based on the Province of Nova Scotia Mileage Rate.
- Mileage will be calculated based on the Google Map mileage from the starting point to the destination address, using the shortest, logical route. If the employee is not leaving from the Municipal Office, the employee must subtract the total kilometres they would have used going to and from home.
 - The Municipality may set specific mileage for frequently visited locations, such as the local bank branch or post office.
- For more than one employee, councillor, or resident member travelling to a common destination or for travel exceeding 300 kilometres, the most

EXPENSE POLICY

economical and safe means of transportation, as determined by the Director or Manager, will be used (for example, carpooling or car rental).

When travelling on Municipal business additional miscellaneous expenses may be incurred. Items such as ground transportation, laundry and dry cleaning (where the length of stay exceeds three (3) days), parking, tolls, etc., may be eligible for reimbursement.

5. MEAL ALLOWANCES

Meal allowances will be paid on a per diem basis, or if applicable, as per the Collective Agreement. The following per diem rates are inclusive of taxes and gratuities.

Per Diem	Canada (CDN \$)
Breakfast	\$ 17. ⁰⁰
Lunch	\$ 20. ⁰⁰
Dinner	\$ 30. ⁰⁰
Incidentals	\$ 5. ⁰⁰

Breakfast

- The cost of breakfast may be claimed only when the employee has been travelling on Municipal business for more than one (1) hour before the recognized start time for the day's work.

Lunch

- The cost of lunch may be claimed only when the employee has been travelling on Municipal business beginning before 12 pm.

Dinner

- The cost of the evening meal may be claimed when the employee is not expected to return to their residence before 6:30 pm.

Incidentals

- The cost of incidentals will only be claimed when the employee is staying overnight while on Municipal business.
 - Incidentals are for out of pocket expenses that the employee would not have incurred had they not been travelling. These may include using the copier in a business centre, sending mail, etc.

Meal allowance per diems will be reduced for each business conference meal provided, including meals provided by host organizations or other parties.

Specific high cost destinations will be addressed by the CAO on a case-by-case basis and authorized prior to travel.

EXPENSE POLICY

For Municipal business meetings held by Councillors with awareness of staff, the cost of meals provided must be reasonable and a receipt will be provided for reimbursement. **Alcoholic beverages will not be expensed.**

6. MEETING MEAL ALLOWANCE

On days where there are scheduled meetings of Council or Committees of Council, employees may choose to stay between closing hours and evening meeting times. Employees are entitled to a meeting meal allowance of \$12.⁵⁰ in lieu of mileage.

7. CONFERENCES/WORKSHOPS/EVENTS

Employees, councillors, and resident members may claim all registration fees and course enrolment fees as an expense with prior approval.

8. REIMBURSEMENT

The Expense Claim Form must be submitted for approval to the CAO or Director within thirty (30) business days.

- Travel expenses incurred in foreign currency, must be converted by the traveler to equivalent Canadian dollars on the rate charged on the credit card or Bank of Canada exchange rates on the day of the transactions.
- When out-of-pocket expenses are anticipated to exceed \$200, an advance amount to 75% of the costs may be paid to the individual if deemed necessary by the CAO or Director.

All expenses incurred by Council and the CAO will be posted on the Municipal website for public information, quarterly.

9. REVIEW

In accordance with *Municipal Government Act, Section 23(7)* by the January 31st immediately following a regular election held under the *Municipal Elections Act*, Council will review the Expense Policy and following a motion by Council, either re-adopt the Policy or amend the Policy and adopt as amended.

10. REPEAL

The Travel Expense Policy dated November 1, 2016 of the former Town of Windsor is hereby repealed.

EXPENSE POLICY

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2020**.

R.N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description: Initial Approval of Hospitality Policy.</i>	

HOSPITALITY POLICY

1. PURPOSE

The West Hants Regional Municipality recognizes that hospitality-related activities are, at times, necessary and legitimate expenses supporting the effective conduct of Municipal business and necessary for diplomacy, protocol, business development, or promotional advocacy. The offering of hospitality will be done in such a manner as to reflect the prudent stewardship of public funds.

The purpose of this Policy is to:

- Provide direction and guidance to councillors and employees with respect to the appropriate expensing of necessary hospitality expenses that support the Municipality's objectives.
- Ensure hospitality is offered in an accountable, economic, and consistent manner in the facilitation of Municipal business and/or for diplomacy, protocol, business development, or promotional advocacy.
- Ensure taxpayers' dollars are used prudently and responsibly with a focus on accountability and transparency.

2. DEFINITIONS

For the purposes of this Policy, the following definitions are provided:

- a. "Audit Committee" refers to a committee of Council, which is responsible for assisting Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial reporting, risk management, and internal controls.
- b. "CAO" refers to the Chief Administrative Officer of the Municipality.
- c. "Council" refers to the Council of the Municipality.
- d. "Councillor" refers to a Council member and includes the Mayor and Deputy Mayor unless the context indicates otherwise.
- e. "Designate" refers to an individual acting in someone's stead.
- f. "Employee" refers to any person directly employed by the Municipality.
- g. "Hospitality" refers to expenses incurred with hosting individuals from outside of the corporation of the West Hants Regional Municipality, for reasons outlined above, including receptions, ceremonies, conferences, performances, or other group events. Allowable expense may include meals, beverages (non-alcoholic), or other approved items. Note: 'outside'

HOSPITALITY POLICY

of the corporation means the corporate entity and is not a reference to geographic boundaries.

- h. "MGA" refers to the Municipal Government Act.
- i. "Municipality" refers to the West Hants Regional Municipality.

3. APPLICATION

This Policy applies to all councillors and employees of the Municipality who incur hospitality expenses while conducting Municipal business.

Hospitality may be offered under the following circumstances:

- Hosting dignitaries,
- Engaging in official public matters with representatives from other governments; business, industry/labour leaders; or other community leaders,
- Sponsoring conferences,
- Hosting prestigious ceremonies/recognition events, or
- Other authorized official functions, as approved by Council or the CAO.

All hospitality events require the *Hospitality Request Form* be submitted to the CAO for prior authorization. The request form will include the following details:

- Rationale/purpose of the event,
- Estimated numbers of attendees and their respective affiliations, and
- Estimated itemized costs including gratuities and supplementary expenses.

In accordance with the MGA, hospitality expenditures include anything pertaining to a Hospitality Event, including:

- Meals
- Beverages
- Room Rental
- Professional Serving Staff
- Gifts

HOSPITALITY POLICY

The giving of token gifts to individuals outside of the Municipality (value not to exceed \$40.00) is sometimes appropriate. Any giving of gifts must have prior approval, using the *Hospitality Request Form*.

The MGA deems the provision of alcohol in the context of hospitality for reasons of diplomacy, protocol, business development or promotional advocacy acceptable in limited circumstances. The guidelines below will be followed for alcohol provision:

- Alcohol served at hospitality events **will not** be paid for or reimbursed by the Municipality but may be offered to individual attendees for purchase.
- Any request for approval to serve alcohol at a hospitality event must be approved in advance of the event.
- Hospitality events involving alcohol must:
 - Be appropriately licensed,
 - Be staffed with servers,
 - Have drink limits in place,
 - Serve food,
 - Have alternative transportation available (public transit, designated drivers, taxi, etc.).
- All employees and councillors will act responsibly in the care and well-being of themselves, other employees, and their respective guests with respect to service of alcohol.

In accordance with the MGA, the Municipality will prepare a hospitality expense report within 90 days of the end of each fiscal quarter. This report will be posted on the Municipal website for public viewing. A yearly report will be submitted to the Department of Municipal Affairs and Housing.

To ensure timely reporting:

- All *Hospitality Request Forms*, with final costs added and copies of invoices and/or receipts must be submitted to the CAO within one (1) month of the event.
- Original hospitality expense receipts must be submitted to the Accounts Payable Coordinator within one (1) month of the event for payment or reimbursement.

4. ACCOUNTABILITIES

Mayor is responsible for:

- Reviewing hospitality-related expenses for the CAO and approving these hospitality events.

HOSPITALITY POLICY

Audit Committee is responsible for:

- Ensuring compliance with the requirements established by this Policy with respect to hospitality expenses.

CAO is responsible for:

- Using discretion to make decisions and choices with some degree of flexibility, while maintaining compliance and consistent application of this Policy. When a situation arises, and discretion needs to be exercised, the CAO should consider whether the request is:
 - Able to stand up to scrutiny by auditors and members of the public,
 - Properly explained and documented,
 - Fair and equitable,
 - Reasonable, and
 - Appropriate.

Employees are responsible for:

- Acting in accordance with this Policy.
- Submitting completed hospitality request forms before and after the event to the CAO, as outlined in Section 3 of this Policy.
- Submitting original hospitality expense receipts to the Accounts Payable Coordinator for payment.

The **Financial Services Department** is responsible for:

- Providing advice and assistance to the CAO regarding the application of this Policy.
- Monitoring hospitality expenses for appropriate usage and consistency with Policy directives.
- Processing hospitality-related expenses.
- Monitoring the effectiveness and consistent application of this Policy including coordinating periodic reviews of hospitality expenses to ensure compliance with this policy.
- Preparing quarterly and yearly reporting requirements.

*HOSPITALITY POLICY***5. REVIEW**

In accordance with MGA, Section 23(7) by the January 31st immediately following a regular election held under the *Municipal Elections Act*, Council will review the Hospitality Policy and, following a motion by Council, either re-adopt the Policy or amend the Policy and adopt as amended.

6. REPEAL

The Hospitality Policy, COFN-008.00, dated December 11, 2018 of the former Municipality of the District of West Hants and the Hospitality Policy and Request Form dated June 25, 2019 of the former Town of Windsor are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2020**.

R.N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description: Initial Approval of Hospitality Policy.</i>	

WEST HANTS REGIONAL MUNICIPALITY
HOSPITALITY REQUEST FORM

Purpose for hospitality:

**Estimated number
of attendees:**

**Actual number
of attendees:**

Affiliations of attendees:

Itemized costs including gratuities and supplementary expenses:

Examples: Meals, Beverages (non-alcoholic), room rentals, serving staff, gifts

Item	Estimated Cost (pre-event)	Actual Cost (post event)
TOTAL		

WEST HANTS REGIONAL MUNICIPALITY
HOSPITALITY REQUEST FORM

Alcoholic Beverage Approval

* Please note, that even once approved, Alcoholic beverages are not reimbursed, however the expense of professional serving staff is reimbursed.

Purpose for needing Alcoholic Beverages:

Checklist for Approval:

- ☐ Appropriate License Obtained
- ☐ Professional Serving Staff
- ☐ Appropriate Drink Limits
- ☐ Event will include Food Service
- ☐ Alternative Transportation Provided

Claimant Name

Claimant Signature

Date:

**Hospitality Pre-
Authorization**

Date:

**Reimbursement
Approval**

Date:

*Attach receipt copies to this completed form for hospitality approval.



Committee of the Whole Excerpts
May 12, 2020

Dangerous or Unsightly Premises Policy

The attached report from Committee of the Whole outlines the proposed Dangerous or Unsightly Premises Policy. The discussion points at Committee of the Whole were:

- Although dangerous and unsightly issue are typically resident driven, the By-law and Building Official also notice issues for considerations.
- The former Town of Windsor did not have a policy as they strictly followed the MGA. The proposed policy allows for a uniform application across the Regional Municipality.

The recommended motion was:

... that Council approves the Dangerous or Unsightly Premises Policy, RCOGE-005.00, which includes rescinding of the Dangerous or Unsightly Premises Policy COGE-009.00 of the former Municipality of the District of West Hants dated July 10, 2018.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Administrative Supervisor

Date: May 12, 2020

Subject: Dangerous or Unsightly Premises Policy RCOGE-005.00

LEGISLATIVE AUTHORITY

Municipal Government Act, Chapter 18 of the Acts of 1998, Part XV, Dangerous or Unsightly Premises.

RECOMMENDATION

...that Committee of the Whole recommends to Council

that Council approves the Dangerous or Unsightly Premises Policy, RCOGE-005.00, which includes rescinding of the Dangerous or Unsightly Premises Policy COGE-009.00 of the former Municipality of the District of West Hants dated July 10, 2018.

BACKGROUND

The Municipal Government Act states that, “every property in a municipality shall be maintained so as not to be dangerous or unsightly.” Under the current Dangerous or Unsightly Premises Policy of the former Municipality of the District of West Hants, the Chief Administrative Officer (also referred to as the “Administrator”) is the employee appointed by Council to be responsible for enforcement.

DISCUSSION

The Municipal Government Act permits the “Administrator” to delegate authority and responsibilities. With this proposed Policy, the Administrator could delegate this authority to another employee of the Municipality. Although such delegation is not required to be identified in the Policy, the intent here is that it would be delegated to the Manager, Building and Fire Inspection Services.

The proposed Policy delegates the power to order demolition to the Committee of the Whole and the power to hear appeals of orders issued by the Administrator or Committee of the Whole to Council, not the Administrator or designate.

The proposed Policy includes the requirement for complaints of dangerous or unsightly properties to be in a format approved by the Administrator which will require the complainants name and contact information. This will aid in any legal disputes that may arise. All complaints are confidential except where required by law.

NEXT STEPS

Enforcement of the Dangerous or Unsightly Premises Policy would be administered uniformly within the West Hants Regional Municipality.

FINANCIAL IMPLICATIONS

There are no significant financial implications.

ALTERNATIVES

- Not approve the proposed Policy, in which case the current policy of the former Municipality of the District of West Hants remains in effect for the geographic area of the former West Hants municipality only (would not include the community of Windsor)
- Suggest changes to the proposed Policy, staff would have to review the suggestions to determine compliance with legislation.

ATTACHMENTS

- Proposed Dangerous or Unsightly Premises Policy, RCOGE-005.00

Report Prepared by:



Shelleena Thornton, Administrative Supervisor

Report Reviewed by:



Rhonda Brown, Municipal Clerk

Report Approved by:



Mark Phillips, CAO

1. PURPOSE

In accordance with the Municipal Government Act, all properties in the Municipality will be maintained so they are not dangerous or unsightly. This Policy outlines the requirements for reporting a dangerous or unsightly property and the actions the Municipality will take where a property is alleged to be dangerous or unsightly.

2. DEFINITIONS

- a. “Administrator” means the employee of the Municipality or other persons designated by the Chief Administrative Officer to be responsible for the provisions of the Municipal Government Act, except where the context otherwise requires, and includes a person acting under the supervision and direction of the Administrator.
- b. “Council” means the Council of the West Hants Regional Municipality.
- c. “Dangerous or unsightly” as per Section 3(r) of the Municipal Government Act means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
 - i. ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof;
 - ii. an accumulation of wood shavings, paper, sawdust, dry or inflammable grass or weeds or other compostable material;
 - iii. an accumulation or collection of material or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person; or
 - iv. any other thing that is dangerous, unsightly, unhealthy or offensive to a person,and includes property or a building or structure with or without structural deficiencies
 - i. that is in a ruinous or dilapidated condition,
 - ii. the condition of which seriously depreciates the value of land or buildings in the vicinity,
 - iii. that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
 - iv. that is an allurements to children who may play there to their danger,
 - v. constituting a hazard to the health or safety of the public,
 - vi. that is unsightly in relation to neighbouring properties because of the exterior finish of the building or structure or the landscaping is not maintained,
 - vii. that is a fire hazard to itself or to surrounding lands or buildings,

WEST HANTS REGIONAL MUNICIPALITY
DANGEROUS OR UNSIGHTLY PREMISES POLICY

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- xi. that has been excavated or had fill placed on it in a manner that results in a hazard, or
 - xii. that is in a poor state of hygiene or cleanliness.
 - d. “Municipality” means West Hants Regional Municipality.
 - e. “*Municipal Government Act*” refers to Part XV *Dangerous or Unsightly Premises* of the Municipal Government Act.
 - f. “Owner” includes
 - i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building.
 - ii. in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building.
 - iii. a person who occupies shores, beaches or shoals, and
 - iv. in the absence of proof to the contrary, the person assessed for the property.

3. DELEGATION OF RESPONSIBILITIES

- a. Council delegates its authority under the *Municipal Government Act* to the Administrator, except the authority to order demolitions.
- b. Council delegates its authority to order demolitions under the *Municipal Government Act* to the Committee of the Whole.
- c. Council will hear appeals of orders issued by the Administrator or the Committee of the Whole.

4. REPORTING OF DANGEROUS OR UNSIGHTLY PREMISES

- a. All complaints of dangerous or unsightly premises by a resident must be on the complaint form approved by the Administrator, which includes the complainants name and contact information.
- b. Incomplete complaint forms will not be investigated unless there is an immediate public safety concern based on the information provided.
- c. Complaints of dangerous or unsightly premises are confidential but may be revealed in accordance with the Freedom of Information and Protection of Privacy Act of Nova Scotia, Part XX of the Municipal Government Act or a court order.
- d. The Administrator will, at least twice a year, provide a public report to Council describing the status of dangerous or unsightly property orders and the remedial progress made.

5. INVESTIGATIONS AND DETERMINATIONS

- a. Once a completed complaint form has been filed with the Administrator, an investigation will be conducted to determine if the property is dangerous or unsightly. The investigation may be delegated by the Administrator to appropriate Municipal staff and may include photographs and/or video recordings documenting the property's condition, obtaining further details from the complainant, and discussing the condition of the property with the owner.
- b. The Administrator will determine if the property is dangerous or unsightly and what action is necessary.
- c. If the property is dangerous or unsightly but immediate action is unnecessary, the Administrator may:
 - i. send a letter to the owner, by registered mail, notifying them of the complaint and what is required to remedy the conditions within 30 days or other reasonable time frame based on inclement weather or other restrictions.
 - ii. if the owner does not remedy the conditions within the determined time frame, then the Administrator will issue an Order to the owner to remedy the condition or refer the complaint to the Committee of the Whole for a Demolition Order.
- d. If the property is dangerous or unsightly and requires immediate action, the Administrator may take one or more of the following actions:
 - i. issue an Order to the owner to remedy the conditions;
 - ii. issue an Order to the owner to vacate the property;
 - iii. refer the complaint to the Committee of the Whole for a Demolition Order; or
 - iv. take immediate actions necessary to prevent the danger, including the removal of the dangerous structure or condition, for the purpose of public safety. (Also refer to Section 9 Costs and Penalty)

6. DEMOLITION

- a. If the complaint is referred to the Committee of the Whole for a Demolition Order, the owner will be notified, not less than seven (7) days before, of the time, date and place of the Committee of the Whole meeting which will consider the Demolition Order.
- b. The notice will be sent to the owner by registered mail at least fourteen (14) days before the meeting and will be posted in a noticeable place on the property at least seven (7) days before the meeting.

WEST HANTS REGIONAL MUNICIPALITY
DANGEROUS OR UNSIGHTLY PREMISES POLICY

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- c. At the Committee of the Whole meeting where the Demolition Order will be considered, the owner may appear and be heard before any order is made.
 - d. Where a building or other structure may be ordered for demolition, the Administrator will:
 - i. cause a subsearch through the Land Registry from the date of the deed of the owner up to the present date and cause a twenty (20) year judgement search on the owners of the property to determine the owners of the property and any encumbrances against the property, and if so, the addresses of the encumbrancers;
 - ii. determine if there are any ongoing investigations of the building or structure by the Royal Canadian Mounted Police, Fire Marshal's Office or other law enforcement agencies;
 - iii. determine if the building or structure was insured and if so, the name and address of the insurance company;
 - iv. send a copy of the notice to the owners by registered mail to all encumbrancers, the insurance company and if appropriate the Royal Canadian Mounted Police, Fire Marshal's Office or other law enforcement agencies.
 - e. Where a demolition Order has been made by the Committee of the Whole, the owner will obtain from the Municipality a demolition permit and the Municipality will waive the fee for such permit.
 - f. Where an Order requires the demolition or removal of a building or structure, the Administrator may cause the occupants to be removed, using force if required, to complete the demolition.

7. ORDERS

- a. All Orders issued by the Administrator or the Committee of the Whole will be sent to the owner by registered mail or served upon the owners and posted on the property in a noticeable place.
- b. An Order on a property which sold for non-payment of taxes will be sent to both the previous owner and the person who bought the property at tax sale, if the redemption period has not expired.
- c. All Orders should provide at least thirty (30) days for compliance by the owner. This time period may be extended or lessened depending on public safety, weather or other restrictions.
- d. Where the owner fails to comply with an Order of the Administrator or Committee of the Whole within the specified time frame or at the request of the owner, the Administrator may cause the work specified in the Order to be carried out without a warrant or other legal process.

WEST HANTS REGIONAL MUNICIPALITY
DANGEROUS OR UNSIGHTLY PREMISES POLICY

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- e. The Administrator will follow the Procurement and Tendering Policy of the Municipality when causing remedial work to be done on a property.

8. APPEALS

- a. The owner may appeal an Order of the Administrator or Committee of the Whole to Council within seven (7) days after the Order is made.
- b. Appeals will be received by the Administrator in written form from the owner, and will reference the property and Order being appealed and signed.
- c. The owner will be notified, not less than seven (7) days before, of the time, date and place of the Council meeting which will consider the appeal.
- d. The Order which is under appeal will be suspended until a decision by Council is made.

9. COSTS AND PENALTY

- a. If the owner fails to comply with an Order and the Administrator causes the remedial work to be done, the cost of the work and interest will be collected in the same manner as ordinary taxes. The cost will form a lien against the property.
- b. Where the owner fails to comply with an Order, the owner may be charged in accordance with the powers granted under the *Municipal Government Act*.

10. OTHER

- a. Powers, responsibilities, abilities and procedures not specifically stated in this Policy will be in accordance with the *Municipal Government Act*, as amended from time to time.
- b. Where there is a conflict between this Policy and the *Municipal Government Act*, the *Municipal Government Act* will prevail.

11. REPEAL

The Dangerous or Unsightly Policy, COGE-009.00, of the former District of Municipality of West Hants dated July 10, 2018 is hereby repealed.

WEST HANTS REGIONAL MUNICIPALITY
DANGEROUS OR UNSIGHTLY PREMISES POLICY

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____ (month), _____ (year).

R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



Committee of the Whole Excerpts
May 12, 2020

Deed Transfer Tax By-law First Reading

The attached report from Committee of the Whole outlines the proposed Deed Transfer Tax By-law. There was no discussion at Committee of the Whole.

The recommended motion was:

... that Council gives First Reading and holds a Public Hearing to consider approving the Deed Transfer Tax By-law, RD-001, as presented to Committee of the Whole on May 12, 2020.



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of the Committee of the Whole

Submitted by: 
Rhonda Brown, Municipal Clerk

Date: May 12, 2020

Subject: Deed Transfer Tax By-law, RD-001

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 102

RECOMMENDATION

Committee of the Whole recommends that...

... Council gives First Reading and holds a Public Hearing to consider approving the Deed Transfer Tax By-law, RD-001, as presented to Committee of the Whole on May 12, 2020.

BACKGROUND

The former municipal units of West Hants and Windsor each have a Deed Transfer Tax By-law which allows for 1.5% of the sale price of all properties that is transferred by deed to be collected by the municipalities. The former Municipality of West Hants implemented a deed transfer tax in 2004 at a rate of 1%, this was increased to 1.5% in 2018. The former Town of Windsor implanted their deed transfer tax in 2005 and amended it in 2007 when the rate was set to 1.5%.

The tax generates revenue for services that support the annual tax rate. The Registry of Deeds collects the deed transfer tax and remits it back to the municipalities. The maximum deed transfer tax rate allowed under the Municipal Government Act is 1.5%.

DISCUSSION

In March 2020, the Registry of Deeds had been notified of the Windsor-West Hants consolidation, allowing them to prepare for the changes that would be required for the collection and remittance of the tax to the Regional Municipality. Since the deed transfer tax rate for both former municipal units was the same, the Registry of Deeds

provided notification to authorized lawyers of the name change, thus allowing them to properly prepare and submit information to the Registry of Deeds as of April 1, 2020.

The Deed Transfer Tax By-law, RD-001, consolidates and repeals the two current by-laws to ensure the same tax applies to all properties within the Regional Municipality and aligns with process at the Registry of Deeds. The deed transfer tax rate remains the same at 1.5% and states the Register of Deeds continues to collect the tax on behalf of the Regional Municipality.

NEXT STEPS

Should Council approve First Reading, a Public Hearing would be scheduled for the Council meeting on June 23, 2020. If meeting restrictions still apply the Public Hearing may be conducted in the same manner as those for Planning documents during COVID-19.

Notice of the Public Hearing will be placed in the newspaper, on the website and on social media. In addition, letters will be sent to Service Nova Scotia and the Nova Scotia Barristers Society informing them of the proposed By-law.

FINANCIAL IMPLICATIONS

In 2018-19 the combined revenue of both former units from deed transfer tax was \$872,696.73, in 2019-20 the revenue was \$1,230,587.72. As the proposed By-law provides for a deed transfer tax rate of 1.5%, which is the same as the current rates by the former municipal units, there are no financial implications and it is estimated the 2020-2021 revenues will be \$850,000.

ALTERNATIVES

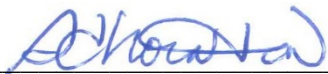
Committee of the Whole could recommend:

- That Council does not approve First Reading, but repeal both existing Deed Transfer Tax By-laws thereby removing the deed transfer tax from the Regional Municipality, this option would have budget and tax rate implications, as it would be a loss of approximately \$850,000.
- That Council choose to amend the By-law to lower the deed transfer tax rate, this option would have budget and tax rate implications which would depend on the rate set.

ATTACHMENTS

1. Proposed Deed Transfer Tax By-law, RD-001
2. Deed Transfer Tax By-law #30 of the former Town of Windsor
3. Deed Transfer Tax By-law, D-002 of the former Municipality of the District of West Hants

Report Reviewed by: _____
Carlee Rochon, Director of Financial Services

Report Reviewed by: 
Shelleena Thornton, Administrative Supervisor

Report Approved by: 
Mark Phillips, Chief Administrative Officer

DEED TRANSFER TAX BY-LAW

1. TITLE

This By-law shall be cited at the Deed Transfer Tax By-law.

2. DEFINITION

In this By-law "Region of Windsor and West Hants Municipality" means the Municipality incorporated by the *Region of Windsor and West Hants Municipality Act*, SNS 2018, c.26, irrespective of whether it has had its name changed by virtue of Section 11 of that Act or otherwise.

3. BY-LAW

- a. A deed transfer tax shall apply to properties in the Region of Windsor and West Hants Municipality, effective on and after April 1, 2020.
- b. The amount of the deed transfer tax shall be the sum of one and one half per cent (1.5%) of the sale price or value of the property.
- c. Section 3 Interpretations and Part V Deed Transfers of the *Municipal Government Act*, R.S.N.S 1998, c. 18 shall apply to deed transfers.
- d. For the purposes of this By-law, "persons married to one another" shall include those who have entered into a domestic partnership declaration and have registered such declaration in accordance with Part II of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494
- e. Pursuant to Section 110 of the *Municipal Government Act* R.S.N.S 1998, c. 18, the Registrar of Deeds is hereby appointed as the agent and collector of the deed transfer tax and has all the powers of the treasurer pursuant to Part V of the *Municipal Government Act*, R.S.N.S.1998, c. 18.

4. REPEAL

- a. By-law 30 Deed Transfer Tax By-law of the Town of Windsor dated August 28, 2007, and all previous such by-laws are hereby repealed on the effective date.
- b. D-002 Deed Transfer Tax By-law of the Municipality of the District of West Hants dated September 14, 2004 as amended on March 8, 2016 and July 10, 2018, and all previous by-laws are hereby repealed on the effective date.

5. EFFECTIVE DATE

- a. This By-law shall be effective on April 1, 2020.

DEED TRANSFER TAX BY-LAW

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____ day of _____(month), _____(year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)

By-Law Adoption	
First Reading:	Date
Notice Published:	Date
Second Reading & Approval	Date
Final Publication	Date
Notice to Municipal Affairs	Date
Description:	



TOWN OF WINDSOR BYLAW # 30 DEED TRANSFER TAX BYLAW

- 30.1** This Bylaw is entitled the "Deed Transfer Tax By-law"
- 30.2** A deed transfer tax applies in the Town of Windsor.
- 30.3** Effective on September 1, 2007 the rate of the deed transfer tax in the Town is 1.5 percent (1.5%) of the value of the property transferred.
- 30.4** By-law Number 30 of the By-laws of the Town adopted by the Council on July 26, 2005 is repealed and this By-law is substituted in its place.

Deed Transfer Tax By-Law
Bylaw 30

Clerk's Annotation for Official By-Law Book

Date of first reading of by-law: July 24, 2007

Date of advertisement of Notice of Intent to Consider: July 12, 2007

Date of second reading of by-law: July 24, 2007, August 28, 2007

*Date of advertisement of Passage of By-Law: September 20, 2007

Date of mailing to Minister a certified copy of By-Law: September 21, 2007

I certify that this DEED TRANSFER TAX BY-LAW was adopted by Council
and published as indicated above.



Louis Coutinho
Chief Administrative Officer
Town of Windsor

21 September 07

Date



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Deed Transfer Tax By-Law (Consolidated)

1. The Municipal Deed Transfer Tax By-law passed by the Council of the Municipality of the District of West Hants on the 10th day of April, A.D., 2001 and published in the Hants Journal, a newspaper circulating in the Municipality of the District of West Hants, on the 18th day of April, A.D., 2001, be and is hereby repealed in its entirety, and the following is substituted therefor.
2. A deed transfer tax shall apply to the Municipality of the District of West Hants including effective April 1, 2016, properties located within the former Town of Hantsport.
3. The amount of the deed transfer tax shall be the sum of one and one half percent (1.5%) of the sale price or value of the property.
4. Part V, "Deed Transfers", and Section 3 (Interpretations) of the *Municipal Government Act*, Stats. N.S. 1998, Chapter 18, shall apply to deed transfers.
5. For the purposes of this By-law, "persons married to one another" shall include those persons who have entered into a domestic partnership declaration and have registered such declaration in accordance with Part II of the *Vital Statistics Act*, R.S.N.S., Chapter 494.

I, **Dwight M. Bennett**, C.A.O. and Municipal Clerk-Treasurer of the Municipality of the District of West Hants, do hereby certify that the foregoing is a true copy of the Deed Transfer Tax By-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the District of West Hants duly convened and held on the **14 day of September, A.D., 2004** and published in the Hants Journal, a newspaper circulating in the Municipality on the **22 day of September, A.D., 2004**.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this **22 day of September, A. D., 2004**.

Dwight M. Bennett, C.A.O.
Municipal Clerk-Treasurer

By-Law Adoption	
First Reading:	August 10, 2004
Notice Published:	Unknown
Second Reading & Approval	September 14, 2004
Final Publication	September 22, 2004
Notice to Municipal Affairs	September 22, 2004
Description: Passing of the original By-law.	
Amendment #1	
First Reading:	February 9, 2016
Notice Published:	February 18, 2016
Second Reading & Approval	March 8, 2016
Final Publication	March 31, 2016
Notice to Municipal Affairs	March 9, 2016
Description: Amend the Deed Transfer Tax By-law to include the community of Hantsport. Recorded as By-law D-001.	
Amendment #2	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018
Second Reading & Approval	July 10, 2018
Final Publication	July 17, 2018
Notice to Municipal Affairs	July 17, 2018
Description: Amends the Deed Transfer Tax By-law by increasing the deed transfer tax to one and one half percent (1.5%). Recorded as By-law D-004.	



Committee of the Whole Excerpts
May 12, 2020

Highland Ave. & Churchill Street Rehabilitation Project Tender Award

The attached report from Committee of the Whole outlines the Rehabilitation Project and the proposed contractor. There was no discussion at Committee of the Whole.

The recommended motion was:

... that Council approve proceeding with the Highland Avenue and Churchill Street rehabilitation project identified in the 2020/21 capital budget at a cost of \$1,615,092, plus applicable taxes, including a 10% project contingency; and that Council approve the award of tender TOW2020-0306 for construction work to the low compliant bidder, Gary Parker Excavating, for the tendered price of \$1,407,783.99.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by: 
Todd Richard, Director of Public Works

Date: May 12, 2020

Subject: Tender Award Recommendation – Highland Ave & Churchill St.

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes, and specifically 65(aa) streets, culverts, retaining walls, sidewalks, curbs and gutters.

RECOMMENDATION

It is recommended for Committee of the Whole to recommend to Council that:

...that a recommendation be made to Council to approve proceeding with the Highland Avenue and Churchill Street rehabilitation project identified in the 2020/21 capital budget at a cost of \$1,615,092, plus applicable taxes, including a 10% project contingency.

and

that Council approve the award of tender TOW2020-0306 for construction work to the low compliant bidder, Gary Parker Excavating, for the tendered price of \$1,407,783.99.

BACKGROUND

The region intends to replace road structure, water and combined sewer infrastructure on Highland Avenue (approximately 390m) and Churchill Street (approximately 85m), as well as install a new water main along an existing easement from Highland Avenue to Alexander Drive (approximately 95m) within the community of Windsor.

These streets currently have no sidewalks, and both street surfaces are narrow and in poor condition. Construction will involve installation of a curb and gutter

system on both streets to separate storm water from sanitary sewer; as well as the addition of a concrete sidewalk on the North side of Highland Avenue and the East side of Churchill Street. Highland Avenue will have a new cul-de-sac installed at the end of the roadway to improve traffic turning. The water easement will create a loop to improve water quality and create water service redundancy for residents on both streets.

DISCUSSION

Public Works staff released a Public Tender Call for Project TOW2020-0306 - Highland Avenue and Churchill Street with a closing date of March 26, 2020. The Tender was posted to the Provincial Procurement Site, with notification given on the Town of Windsor web site.

A public opening was held on March 26, 2020, with six (6) bids received. All bids were received with fixed unit pricing based on approximate quantities for the specified scope of work. The following table summarizes the project cost by each of the proponents; and was utilized as the basis for recommendation to Council.

Gary Parker Excavating Ltd.	\$ 1,407,783.99
Dexter Construction	\$ 1,600,351.50
Spicer Construction	\$ 1,663,553.20
Ocean Contractors	\$ 2,198,479.15
Mid Valley Construction	\$ 2,827,919.00
Brycon Construction	\$ 2,961,250.00

The Tender pricing received for the full scope of work was lower than the combined amounts proposed to Windsor Council in the 2019/20 Capital Budgets.

General Streets and Sidewalks	\$ 936,130.00
Sewer Utility	\$ 238,534.00
Water Utility	\$ 440,428.00
2019 / 20 Combined Capital Budget (Proposed):	\$ 1,615,092.00

Staff has conducted a review of the low bidder's submission and are satisfied with the documentation provided. Gary Parker Excavating has completed similar construction projects and is qualified and capable of executing this project scope for the Region. Most recently Gary Parker Excavating has completed the Alexander Street Renewal project for the Town of Windsor and is currently completing the Prince Street & Main Street Rehabilitation project in the community of Hantsport.

NEXT STEPS

If approved by Committee of the Whole and subsequently ratified by Council, along with approval of the proposed Capital Budgets; Public Works staff will award the contract to the proposed successful bidder and schedule a project kick-off meeting to coordinate details for construction to begin. This will include public communication to the community and with the residents immediately affected by this construction project.

FINANCIAL IMPLICATIONS

The proposed 2020/21 Capital Budget for this project is comprised of \$936,130 of general roads/sidewalks capital, \$238,534 of sewer utility capital and \$440,428 of water utility capital, for a combined total of \$1,615,092. Please note the project budget includes estimates not only for construction but also for design work and project contingencies.

Funding sources identified in the budgets include town debt \$600,000; 262,906 town capital reserve; \$73,224 town gas tax; \$238,534 sewer reserve; and the remaining \$440,428 from the water utility depreciation reserve.

Given the low tender result below budget amounts, these funding allocations will change to reflect the actual cost of project.

ALTERNATIVES

1. COTW/Council may choose not to fund or award this capital project;
2. COTW/Council may choose to direct staff to find alternative funding sources;
3. COTW/Council may choose to award this contract to an alternative contractor.

Neither of these alternatives are being recommended to Committee of the Whole/Council.

ATTACHMENTS

None - Proponent Tender Submissions are available upon request.

Report Prepared by: _____

Brad Carrigan, Manager, Capital Projects

Todd Richard, Director of Public Works

Report Reviewed by: _____

Todd Richard, Director of Public Works

Carlee Rochon, Director of Financial Services

Report Approved by: _____


Mark Phillips, Chief Administrative Officer



Committee of the Whole Excerpts
May 12, 2020

Sidewalk Café Fees Exemptions

The attached Agenda Request Form from Committee of the Whole outlines the fee exemption which would provide a small gesture to the business community in Windsor. The discussion points at Committee of the Whole were:

- The motion would just be applicable to sidewalk cafés not other business activities such as sidewalk sales which are covered under other by-laws.

The recommended motion was:

... that Council waive all permit fees and sidewalk rental fees associated with sidewalk cafés for the year 2020 due to the economic situation created by the COVID-19 pandemic; for clarification the permits are still required only permit fees are waived.



**WEST HANTS REGIONAL MUNICIPALITY
AGENDA REQUEST FORM**

Name:	Abraham Zebian		
Date:	May 11, 2020	Date Submitted to CAO:	May 12, 2020

Request– Initial – to be completed by Council Member

Detail	Annually businesses in Windsor need to apply to have a sidewalk café. The businesses incur fees due to permits and sidewalk rental charges. Due to the current economic situation the Municipality should support businesses where possible, one way would be to waive all associated fees for sidewalk cafes but still require the permits. Sidewalk Cafes are traditional expansion of a business during the summer tourist season and during COVID19 can be used as means for physical distancing to meet the Provincial Health Orders				
Decision Requested:	That Committee of the Whole recommends that Council waive all permit fees and sidewalk rental fees associated with sidewalk cafés for the year 2020 due to the economic situation created by the COVID-19 pandemic; for clarification the permits are still required only permit fees are waived.				
Background: What? Who? How? When?	Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☒
	The Sidewalk Café Policy approved in 2003 is applicable to the area of the former Town of Windsor, determines the requirements needed for a business to have a sidewalk café. The Policy requires a business to apply to the Municipality for approval of the café annually with a payment of a monthly sidewalk rental fee and may require other permits which also have fees. Such other permits would include an Encroachment Permit under the Streets and Sidewalk By-law of the former Town. Generally, there are 3-4 applications for Sidewalk cafes each year.				

Strategic Implication: with Dashboard	Current ☒	Short Term ☒	Long Term ☐
Budget:	Yes ☐ No ☐	Policy: 1. Sidewalk Café Policy 2. Street and Sidewalk By-law	Yes ☐ No ☐
Desired Outcome:	That the recommendation be supported.		
Recommendation:	Report/Document: Attached ☐ Available ☐ Nil ☐ See the decision requested.		

Request for Decision – CAO Initial Review

Detail	Synopsis
Department: select all that apply	Governance/Legislative ☐ Protective Services ☐ Administration ☐ Planning ☐ Engineering Public Works ☐ Parks and Recreation ☐ Finance ☐ Economic Development ☐

Decision Requested:	Operational Matter ☐ Decision of Council Required ☐ Policy Change ☐ Other ☐
	That Committee of the Whole recommends that Council waive all permit fees and sidewalk rental fees associated with sidewalk cafés for the year 2020 due to the economic situation created by the COVID-19 pandemic; for clarification the permits are still required only permit fees are waived.
Background:	See above
Budget:	The change will result in a reduction of revenue anticipated less than \$5,000.00 for all current
Staff Workload:	Not measurable.
Policy:	Former Town of Windsor "Sidewalk Café Policy"
Response Options:	Noted above
Preferred Strategy:	If the response from Council is to support the recommendation staff will facilitate the appropriate measures to carry out this direction. Further this recommendation should be effective April 1, 2020 an expire March 31, 2021 to ensure we capture all businesses past, present and future within the defined time period.
CAO Comments:	As a municipal unit we have few direct means to support the business community at this time. This is a very appropriate measure and easily managed.

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**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Council

Submitted by:

Madelyn LeMay, Director of Planning and
Development

Date: May 26, 2020

Subject: Resident Member Appointment to Hantsport Area Advisory
Committee

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act – Sections 24-27 (Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees).

RECOMMENDATION

...that Council approves the appointment of Angela Carver to the Hantsport Area Advisory Committee (HAAC) for the term April 01, 2020 to October 31, 2022.

BACKGROUND

At the February 10, 2020 Coordinating Committee meeting the Hantsport Area Advisory Committee was approved commencing April 1st.

DISCUSSION

The *Meeting and Committees Procedural Policy RCOGE-003.00* was approved by the Co-ordinating Committee March 23, 2020 and includes the establishment of the Hantsport Area Advisory Committee (HAAC) with a maximum of seven (7) resident members. On April 1, 2020, Council appointed the five (5) residents who had applied for membership on HAAC, leaving two (2) resident places vacant. Ms. Angela Carver has since indicated that she would like to become a member of HAAC.

NEXT STEPS

Should Council appoint Ms. Carver, she will be contacted and notified of her appointment. An Administrative Terms of Reference is now being drafted for HAAC.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy which is identified in the annual Operating Budget.

ALTERNATIVES

Council could choose to not appoint Ms. Carver to HAAC.

ATTACHMENTS

Attachment 1 Appendix I of the Meeting and Committee Procedural Policy

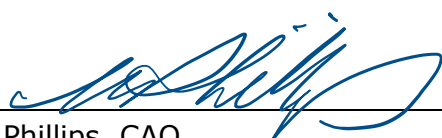
Report Prepared by:

Madelyn LeMay, Director, Planning and Development

Report Reviewed by:

Rhonda Brown, Municipal Clerk

Report Approved by:



Mark Phillips, CAO

ATTACHMENT 1

Taken from Meeting and Committee Procedural Policy May 14, 2020

APPENDIX I

Windsor and Hantsport Area Advisory Committees

1. PURPOSE

- 1.1. To establish area advisory committees for the communities of Windsor and Hantsport in accordance with Sections 201 and 202 of the *Municipal Government Act*.
- 1.2. The Windsor Area Advisory Committee and Hantsport Area Advisory Committee will advise the Planning Advisory Committee of the Municipality on planning matters affecting its respective community including the preparation and amendment of planning documents and planning matters generally.

2. DEFINITIONS

- 2.1. In Appendix I,
 - a) "HAAC" means Hantsport Area Advisory Committee;
 - b) "Municipality" means the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020;
 - c) "WAAC" means Windsor Area Advisory Committee.

3. COMMITTEE COMPOSITION

- 3.1. WAAC and HAAC will each consist of a maximum of eight (8) members and a minimum of four (4) members of which one (1) is a Council member (representing the relevant community), and seven (7) are resident members who are not members of Council.
- 3.2. Resident members will be appointed to the Committee for a term of two (2) years, with the term expiring following the October meeting of the second year, and the Council member will be appointed for a term of four (4) years, with the term expiring following the October meeting.

4. ADMINISTRATION

- 4.1. A Chair and Vice-Chair will be elected annually during the November Committee meeting.
- 4.2. All non-Council members of the Committee will be provided remuneration in accordance with the Council Remuneration Policy.

- 4.3. The duties and procedures of the Area Advisory Committees will be as set out in the relevant Terms of Reference for the Advisory Committee as approved by motion of the Committee and reviewed by the Chief Administrative Officer.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Council

Submitted by: 
Todd Richard, Director of Public Works

Date: May 26, 2020

Subject: 2020 Asphalt Paving – Standing Offer

LEGISLATIVE AUTHORITY

The Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION

Staff recommends that **COUNCIL AWARD THE 2020 PAVING / PATCHING STANDING OFFER TO DEXTER CONSTRUCTION FOR THE UNIT RATES SPECIFIED IN THE BID SUBMISSION. FUNDING IS FROM THE 2020/21 OPERATING ACCOUNTS.**

BACKGROUND

An invitation to bid was issued in March and closed on April 23rd, 2020 the following bids were received:

- Cumberland Paving (Miller) \$427,275.00
- **Dexter Construction \$413,650.00**
- Ocean Contractors Limited \$495,465.00

The above-mentioned standing offer is for ongoing operational pavement patching requirements and is not intended to address any paving requirements that may be associated with individual capital projects that are tendered throughout the year. It should also be noted the bids are based on unit prices only and the total amount is the sum of all estimated quantities times the applicable unit rates. The total amount stated is not a guaranteed to the bidder.

DISCUSSION

Dexter Construction is a well know company that has extensive experience in the industry, staff see no issues with awarding the tender to this company.

FINANCIAL IMPLICATIONS

All work associated this tender has been identified in the 2020/21 operating budget under maintenance of streets, sewer operations and water utility operations.

ALTERNATIVES

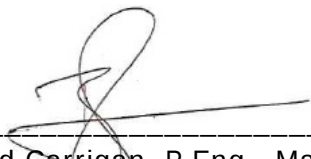
Council could decide not to award this tender. Staff would not recommend this as it would result in further deterioration of Town streets and increase costs in the long run.

ATTACHMENTS

None

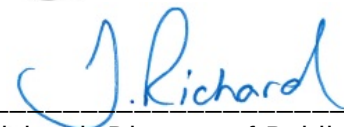
Copy of bids are available upon request.

Report Prepared by:



Brad Carrigan, P.Eng., Manager Capital Works

Report Reviewed by:



Todd Richard, Director of Public Works

Report Approved by:



Mark Phillips, Chief Administrative Officer



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY RECOMMENDATION REPORT

To: Members of Council

Submitted by: 
Todd Richard, Director of Public Works

Date: May 26, 2020

Subject: FCM Municipal Asset Management Funding Program

LEGISLATIVE AUTHORITY

The Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION

Be it resolved that West Hants Regional Municipality directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for Asset Management System Implementation.

Be it therefore resolved that the West Hants Regional Municipality commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance our asset management program:

- Conduct a Business Process Review
- Review and selection of an Asset Management Solution, and
- Training of staff to utilize the Asset Management Solution.

Be it further resolved that this commits up to \$130,000 less the program funding received from it's budget toward the costs of this initiative

BACKGROUND

The region of Windsor and West Hants has identified the need for a robust GIS-based asset management software solution to effectively manage assets.

Public Works staff identified the needs for a software solution to meet the following scope of services:

Asset Management Planning

- Inventory of linear assets (e.g. water, sanitary sewer and stormwater networks, roads and sidewalks, etc.)
- Inventory of non-linear assets (e.g. buildings, facilities and fixed-point assets, etc.)
- Inventory of fleet-based assets
- Esri-based GIS integrated asset planning
- Condition assessment planning
- Risk assessment planning
- Capital planning and projections

Workflow Management

- Management of internal/external service requests
- Asset inspection processes
- Preventive maintenance planning
- Demand maintenance management
- Esri-based GIS integrated workflow process
- Parts inventory and materials management
- Web-based mobile application for paperless work orders (use with iPad®)

Financial Management

- Resource tracking and job costing; including labour, equipment, parts/materials and sub-contractors
- Asset value assessment, including tangible capital assets
- Remaining life assessment

DISCUSSION

Staff has received information on the Municipal Asset Management Program (MAMP) funding program from FCM. This is an eight-year \$110-million program funded by Infrastructure Canada to support Canadian Municipalities and communities in making informal infrastructure investment decisions based on stronger asset management practices.

For this MAMP program, the application must include a Council resolution authorizing/supporting this asset management project, clearly stating that it commits to the municipality's portion of project costs.

The maximum MAMP contribution to a project is \$50,000, but no funding request is too small. Other (non-FCM) funding sources can be stacked to cover up to 100 percent of

the project costs (for example, the Gas Tax Fund and/or other government funding). Municipal governments with a population above 1000 are eligible for 80% of eligible costs of the project.

NEXT STEPS

Following resolution of Council, staff will prepare and submit the MAMP funding application to FCM.

FINANCIAL IMPLICATIONS

The proposed 2020/21 Capital Budget for this Asset Management project is comprised of \$32,500 of general roads/sidewalks capital, \$32,500 of sewer utility capital, \$32,500 of water utility capital, and \$32,500 of parks/recreation capital for a combined total of \$130,000. Funding sources identified in the capital budget is from consolidation funding.

ALTERNATIVES

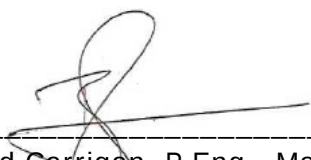
1. Council may choose not to support this resolution.

This alternative is not being recommended to Council.

ATTACHMENTS

None

Report Prepared by:



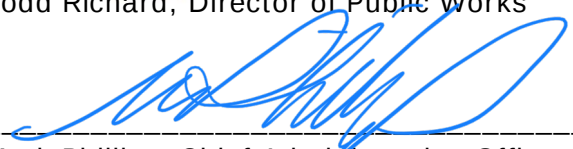
Brad Carrigan, P.Eng., Manager Capital Works

Report Reviewed by:



Todd Richard, Director of Public Works

Report Approved by:



Mark Phillips, Chief Administrative Officer